

CIVIC CENTRE,
SUNDERLAND.
5 November 2021.

TO THE MEMBERS OF SUNDERLAND CITY COUNCIL

YOU ARE SUMMONED TO ATTEND A MEETING of Sunderland City Council to be held in the Montgomery Suite, Sunderland AFC, Stadium of Light, Sunderland, SR5 1SU on **WEDNESDAY 17 November 2021** at **4.00 p.m.** at which it is proposed to consider and transact the following business:-

- | | |
|--|----------|
| 1. To read the Notice convening the meeting. | - |
| 2. Apologies. | - |
| 3. To approve the minutes of the last ordinary meeting of the Council held 15 September 2021 (copy attached). | 1 |
| 4. Receipt of Declarations of Interest (if any). | - |
| 5. Announcements (if any) under Rule 2(e). | - |
| 6. Covid-19 - Verbal Update by the Leader of the Council | - |
| 7. Citywide approach to carbon reduction – Verbal update by the Deputy Leader of the Council | - |
| 8. Reception of Petitions. | - |

9. Written Questions by Members of the Public (if any) under Rule 10.	-
10. Written Questions by Members of the Council (if any) under Rule 11.	-
11. Report of the Cabinet (copy attached).	19
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(i) Report on Special Urgency Decisions – report of the Leader (copy attached).	149
(ii) Appointments to Committees and Outside Bodies – report of the Assistant Director of Law and Governance (copy attached).	151
15. To consider the attached Motions (copy attached).	155



PATRICK MELIA, CHIEF EXECUTIVE.

Note it is intended that the meeting will be livestreamed for the public to view on the Council's YouTube channel at <https://youtu.be/anZJCp026wE>

Minutes

Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the MONTGOMERY SUITE, STADIUM OF LIGHT, SUNDERLAND on WEDNESDAY 15 SEPTEMBER 2021 at 4.00pm

Present: The Mayor (Councillor H Trueman) in the Chair
The Deputy Mayor (Councillor A Smith)

Councillors	Ali	Fletcher	MacKnight, N	Reed
	Bewick	Foster	Mann	Rowntree
	Blackburn	Gibson, E	Mason-Gage	Samuels
	Burnicle	Gibson, P W L	McClennan	Smith, G
	Butler	Gibson, P	McDonough	Snowdon, D
	Chequer	Greener	McKeith	Snowdon, D E
	Crosby	Hartnack	Miller, F	Stewart
	Dixon	Haswell	Miller, G	Taylor, A
	Dodds	Howe	Mullen	Trueman, D
	Donaghy	Jenkins	Nicholson	Tye
	Doyle	Johnston, K	Noble	Walker, M
	Dunn	Johnston, S	O'Brien	Walker, P
	Edgeworth	Leadbitter	Peacock	Warne
	Fagan	Lauchlan	Potts	Williams
	Farthing	Laws	Price	Wood, P

The notice convening the meeting was read.

Apologies

Apologies for absence were submitted to the meeting on behalf of Councillors Blackett, Hodson, D MacKnight, Morrissey, Scanlan, P Smith, D Wilson, A Wood, and Aldermen Arnott, Forbes, Greenfield and Tate.

Minutes

17. RESOLVED that the minutes of the Meeting of the Council held on 23 June 2021 be confirmed and signed as a correct record.

Declaration of Interests

The following declaration of interest was made and the Member concerned left the meeting during consideration of the item: -

Announcements

It was with great sadness that the Mayor informed Council of the deaths of former Councillors Turner, Ambrose, Newton, Sleightholme, Waistell and L Walton.

The Mayor invited Council to join him in partaking in a minute's silence as a mark of respect for their former colleagues.

Covid-19 – Verbal Update by the Leader of the Council

The Mayor invited the Leader to provide a verbal update on the Covid-19 pandemic.

The Leader commented that when he last provided an update in June, the news had just been received that the final steps in the easing of Covid restrictions were to be delayed. Whilst that was only a couple of months ago, in many respects it felt like quite a while since the return to something approaching normality. The Leader was thankful that people had been able to enjoy a great summer in Sunderland and reflected on how this symbolised and represented community spirit, resilience and the huge potential within the City to recover strongly from Covid-19 and all of the associated impacts.

The Leader commented it was a real joy to see several announcements on some very significant investments over the summer, which helped the Council press ahead with ambitious regeneration plans. These included the launch of Nissan EV360, the £1billion groundbreaking electric vehicle hub, the unveiling of the major transformational plans for Sunderland Station and a number of high profile companies across several sectors which had announced that they would be creating 4,000 new jobs in Sunderland. The Leader highlighted the fantastic news that Together for Children had been rated as Outstanding following Ofsted's recent inspection. Finally, heralding the welcome return of world class events to the City, Sunderland had hosted the World 2 series cycling event in August. The Leader stated that the afore mentioned signalled that Sunderland was on course to recover from the impact of lock down and Covid-19 into a smart, dynamic, healthy and vibrant City for the residents of Sunderland.

Returning to the current situation with regard to the pandemic, the Leader expressed concerns that Covid-19 had not gone away and that, as reported by the Director of Public Health, the number of cases remained stubbornly high. The Leader pleaded to everyone to continue to fight the virus as infection rates continued to fluctuate across the country and remained higher than would like in the City and the North East region. Inevitably, as people had been mixing, rates had increased and this had resulted in people becoming seriously ill and needing hospital care, and sadly in the worst cases, unfortunately dying.

The Leader reported that the Government's Autumn and Winter Covid Plan outlined steps to steer the country through the coming months, and it outlined further measures that would be taken if the data suggested they were necessary to protect the NHS. It remained incumbent that everyone was up to date with current guidance and regulations and were aware of the risks of Covid, moving into Autumn and Winter. Having as many people vaccinated as possible was the best defence against Covid-19 and plans had been announced for a booster jab for over 50s and roll out of the vaccination to 12 to 15 year old age group. The Leader urged everyone eligible to take up the recommended dose and advised that the details of vaccinations were available on the Council and NHS websites. The Leader emphasised that people should keep to the current rules and guidance in relation to hands-face-space and commented that wearing face coverings and social distancing were extremely important, and going into the Autumn Winter virus season, regular testing and self-isolation.

In closing, the Leader implored to keep schools, businesses, places of work and leisure facilities open by continuing with the momentum that been built into the recovery during the challenging period. He expressed the importance of looking after oneself and others. The Leader thanked the Mayor for receiving the update.

18. RESOLVED that the update from the Leader be noted.

Citywide approach to carbon reduction – Verbal update by the Deputy Leader of the Council

The Deputy Leader provided an update on the ongoing progress being made in relation to the city's goal of being carbon neutral by 2030 and reducing its carbon emissions. The Deputy Leader highlighted key progress and development work that had taken place in recent months which included:-

- The announcement, at the beginning of July, by Nissan and Envision Group - about the new Nissan 36Zero Electric Vehicle Hub that would be established in the city, and the new giga factory that would be built by Envision AESC. In addition to the valuable jobs which would be created in the city's green economy, a micro-grid, bringing together energy consumption, generation and storage, was being developed to underpin the investment, which was aiming to save 55,000 tonnes of carbon annually;
- Approval of the North East Community Forest, which was recently approved by Government and which covered all of Tyne and Wear and much of County Durham. Part of the Forest commitment included increasing the overall tree canopy cover from 18.4% as it was currently within Sunderland, to 30% by 2050;
- Participation in celebrations to mark the Queen's Platinum Jubilee, through the Queen's Green Canopy programme. Sunderland had been awarded 420 trees from the Woodland Trust as part of this programme, as well as a further 2,500 trees from the charity Trees for Cities;

- Arrangements for the first meeting of the Young People's Advisory Group - which the Council had been developing with Together for Children, Sunderland College and the University of Sunderland University. This would take place in early October and would bring together young representatives from across the city to discuss climate action and share their views with the 2030 Shadow Board;
- Ongoing delivery of the BREEZ project that supported Small and Medium-sized Enterprises with energy efficiency measures;
- Completion of design work for solar PV panels at St Mary's, Farringdon Row, Bunny Hill and Holmeside car parks. Between the sites they would provide approximately three quarters of a Megawatt of renewable energy; and
- Reporting by the Council which had, for the first time, publicly disclosed its citywide environmental data and actions to the Carbon Disclosure Project (known as CDP), which would help the Council better understand and manage the environmental footprint going forward on this important agenda.

The Deputy Leader hoped she had provided a useful and positive update on work that was ongoing and would continue to provide updates to Council as appropriate going forward.

19. RESOLVED that the information be noted.

Reception of Petitions

20. RESOLVED that the petitions listed below submitted by the Councillors named be received and referred to the appropriate chief officer for consideration in accordance with the Council's Petitions Scheme: -

Councillor Mullen – Petition opposing the change of use of 32 Stewart Street to HMO.

Councillor Howe – Petition calling on the Council to reopen the access to green space Lowery Road.

Councillor P Wood – Petition to record residents' concerns regarding Civic Centre Disposal.

Written Questions by Members of the Public under Rule 10

Pursuant to Rule 10 of the Council Rules of Procedure, the Leader and Members of the Cabinet were asked questions which had been submitted by members of the public.

Written Questions by Members of the Council under Rule 11

Pursuant to Rule 11 of the Council Rules of Procedure, the Leader and Members of the Cabinet were asked questions which had been submitted by Members of the Council.

Report of the Cabinet

The Cabinet reported and recommended as follows: -

1. Update to Constitution: Procurement Procedure Rules and Review of Financial Thresholds

That they had given consideration to a report of the Executive Director of Corporate Services (copy attached) to seek agreement to recommend to Council proposed changes to the Procurement Procedure Rules (PPRs) and key financial reporting thresholds.

The Cabinet noted the content of the report and the proposed changes to the Procurement Procedure Rules (PPRs) and key financial reporting thresholds and accordingly, referred the report to Council.

The Cabinet recommended the Council to:-

- (i) approve the proposed revised Procurement Procedure Rules (as contained in Appendix A to the report) and the increases to financial thresholds set out in paragraphs 5.1 to 5.7 of the report, and
- (ii) authorise the Assistant Director of Law and Governance to amend the Constitution accordingly, including the making of any consequential amendments, stylistic or typographical changes, to ensure consistency throughout the Constitution.

2. Licensing Act 2003 – Review of Cumulative Impact Assessment

That they had given consideration to a report of the Executive Director of Neighbourhoods (copy attached) on the Licensing Act 2003 – Review of Cumulative Impact Assessment which informed of the legal requirement of the Council, in its capacity of Licensing Authority, to undertake a review of the Council's Cumulative Impact Assessment (CIA), under the Licensing Act 2003, ("the Act").

The Cabinet recommended to Council that the existing CIA should cease as from 19 September 2021, and that a CIA be further considered in the next 6-12 months subject to the availability of all relevant data at that time. The report was also referred to the Economic Prosperity Scrutiny Committee for further advice and consideration. The Scrutiny Committee supported the recommendation that the existing CIA should cease as from 19 September 2021 and that a CIA be further considered in the next 6-12 months subject to the availability of all relevant data at that time. The Scrutiny Committee also expressed its concern at the short timescales for consultation with regard to the report.

The Leader of the Council, Councillor G Miller, duly seconded by the Deputy Leader, Councillor Rowntree, moved the report of the Cabinet and the supplementary report.

Councillor Haswell, duly seconded by Councillors Mullen and McDonough, moved a reference back on Item 1 – Update to Constitution: Procurement Procedure Rules and Review of Financial Thresholds.

Upon being put to the vote, the reference back was defeated with thirty two Members voting against: -

Councillors	Blackburn	Gibson, P	Noble	Taylor
	Butler	Johnston, K	Price	Trueman, D
	Chequer	Lauchlan	Rowntree	Trueman, H
	Dodds	Laws	Samuels	Tye
	Farthing	MacKnight, N	Smith, A	Walker, G
	Fletcher	Mason-Gage	Snowdon, D	Walker, P
	Foster	Miller, F	Snowdon, D E	Warne
	Gibson, E	Miller, G	Stewart	Williams

Twenty eight Members voting in favour:

Councillors	Ali	Fagan	Johnston	O'Brien
	Bewick	Gibson, P	Leadbitter	Peacock
	Crosby	Greener	Mann	Potts
	Dixon	Hartnack	McDonough	Reed
	Donaghy	Haswell	McKeith	Smith, G
	Doyle	Howe	Mullen	Wood, P
	Dunn	Jenkins	Nicholson	

And one Member abstaining: -

Councillor McClennan

Accordingly, it was: -

21. RESOLVED that Item 1 of the report of the Cabinet be approved and adopted.

The remaining item on the report of the Cabinet was then put to the meeting. Accordingly, it was: -

22. RESOLVED that Item 2 of the report of the Cabinet be approved and adopted.

Action taken on petitions

The Council received and noted the report below which detailed the action taken in relation to the following petitions which had been presented to the Council.

(i) Petition from residents regarding vehicle access and parking problems at Salisbury and Dalla St, South Hylton – presented by Councillor Mann on 22 March 2021.

The petition had highlighted concerns of the residents regarding vehicle access and parking at Salisbury and Dalla St, South Hylton. The access was severely restricted, causing problems with parking for residents with disabilities, was difficult to access for refuse collection and was a hazard for emergency vehicles.

Following consideration by Council Officers, it was confirmed that the Council was not in a position to progress the works suggested however it offered to explore the option of entering into an agreement with the petitioners should they wish to progress the works themselves.

The Ward Councillors and lead petitioner had been advised of the outcome.

(ii) Petition from residents requesting that the Council reduce the speed limit and install other traffic calming measures in Allendale Road and surrounding streets – Presented by Councillor McDonough on 27 January 2020.

Following consideration by Council Officers, the petition had been declined.

Most of Allendale Road was already a 20mph zone covering large areas outside of both schools and there were numerous other traffic calming measures installed at this location. The primary school 20mph zone had just been extended and ward councillors had been consulted during this process in May 2020 and provided with a further update in September 2020.

The Ward Councillors and lead petitioner had been advised of the outcome.

(iii) Petition that highlighted an objection to planning application ref. 21/01001/FU4, which related to a development of 69 no. affordable dwellings on land east of Primate Road, Plains Farm – presented by Councillor Mullen on 23 June 2021.

The petition would be treated as a formal representation in respect of planning application ref. 21/01001/FU4 and would be material to the consideration of the application by officers ahead of its determination by the Planning and Highways (East) Committee. The concerns raised within the petition in relation to road capacity, highway safety, parking and the amenity of existing residents, were all material considerations and the implications of the proposed development in respect of these issues would be fully assessed by officers prior to the presentation of the planning application to the Committee for determination.

(iv) Petition that set out concerns from residents regarding excessive noise at Rainton Arena – presented by Councillor Heron on 23 June 2021.

The allegations of excessive noise had been investigated and to date there was no evidence to suggest that a statutory nuisance existed. The licensee was engaging with the Council to enhance existing licensing conditions to provide further controls in respect of the licensing objectives on site.

A response had been shared with Cllr Juliana Heron and a follow up query had also been responded to.

(v) Petition from residents requesting that the Council revoke the decision to lease the Seaburn Tram Shelter and commit to maintaining in its original form and for its original purpose – presented by Councillor Doyle on 27 January 2021.

The proposals for the former tram shelter formed part of the Council's wider Coastal Communities Fund Round 5 project (CCF5). Along with three other projects - the Seaburn Bay Shelter, the former Roker Toilet Block, and the Seaburn beach huts - the proposals for the former tram shelter were given planning consent in January 2019.

It was proposed to carry out local engagement on the proposals. A preferred tenant had been selected who would carry out engagement with the local community on their proposals for the building. This would enable them to both build up their own understanding through community engagement and to share their ideas and proposals. This engagement would then inform the development of the planning application which they would need to submit for listed building consent to the Local Planning Authority for consideration.

A response had been sent to Councillor Doyle on 29 June 2021 setting out the review and the conclusion, as set out above. Officers would continue to work with the selected tenant to ensure the planned engagement takes place with the local community, and other stakeholders as appropriate, and to ensure the physical proposals developed for the premises could protect and enhance it as a grade II listed building.

Report on Special Urgency Decisions

The Leader of the Council submitted a quarterly report on executive decisions which had been taken as a matter of special urgency, which advised that there were no such instances since the last report.

The Leader of the Council, duly seconded by the Deputy Leader, moved the report.

23. RESOLVED that the report be received and noted.

Appointments to Committees and Outside Bodies

The Assistant Director of Law and Governance submitted a report seeking approval for a number of proposed changes to various committees and outside bodies which had arisen since the Annual Council meeting.

The Leader of the Council, duly seconded by the Deputy Leader, moved the report and accordingly it was:

24. RESOLVED that:-

- (i) Councillor Mullen, in place of Councillor Peacock, and also Councillor Mann be appointed to the seat on the Scrutiny Co-Ordinating Committee held by the former UKIP Group;
- (ii) The appointment of a Liberal Democrat Group Member to the seat on the Planning and Highways Committee (East) held by the former UKIP Group be deferred to a later meeting;
- (iii) Councillor Peacock be appointed to the seat on the Planning and Highways Committee (West) held by the former UKIP Group;
- (iv) Councillor Bewick be appointed to the seat on the Licensing and Regulatory Committee held by the former UKIP Group;
- (v) Councillor Jenkins to replace Councillor A. Wood on the Homelessness Appeals Panel;
- (vi) Councillor Jenkins be appointed to the seat on the Appeals Committee held by the former UKIP Group;
- (vii) The period of appointment of Mr Dennis Hall as Independent Person, as set out in the report, be extended for an additional period of two years from 1 October 2021;
- (viii) The Flood and Coastal Group Engineer from the City Development Directorate be appointed as the officer representative to the Local Government Association Coastal Special Interest Group and the position for an elected member representative to the Local Government Association Coastal Special Interest Group be deferred to a later meeting;
- (ix) It be noted that Councillor Mullen, with Councillor Doyle as his substitute, had been nominated to the NECA Audit and Standards Committee;
- (x) The position for an elected member representative to be appointed to the vacancy on the Samuel Dobson Trust be deferred to a later meeting;
- (xi) The position for an elected member representative to be appointed to the vacancy on the Victoria House Charity be deferred to a later meeting; and

- (xii) The change to the appointments by the Leader of Council on the South Tyne and Wear Waste Management Partnership Joint Executive Committee to appoint Councillor K. Johnston to replace Councillor Farthing on the Joint Executive Committee and for Councillor Farthing to become the substitute Member be noted.

Notices of Motion

The Leader of the Council, Councillor G Miller, duly seconded by the Deputy Leader, Councillor Rowntree, moved the suspension of Council Procedure Rules 11.1 and 14.1 so far as they required the signing and delivering of a notice of motion to be carried out in person.

25. RESOLVED that the suspension of the relevant Council Procedure Rules be agreed.

(i) Road Safety

Councillor Mullen duly seconded by Councillor Hartnack moved the following motion:-

“Councillors of all parties have concerns about road safety in our city.

From speeding problems to road markings, we take seriously the complaints we receive from residents about dangerous driving, unsafe roads, and the sometimes inadequate response to these problems.

It is regrettable that too often the Council's response to road safety issues is too slow or defeatist – particularly when councillors are told, by Highways Officers, that there is no problem because 'the average driver does not speed' or because 'there has not been a fatal accident'.

Council believes that a culture change within the organisation is necessary and therefore resolves to:

- Change the way speeding problem areas are identified, moving away from the median to a system which reflects a mix of incidents numbers, police concerns, resident complaints, and councillor reports.
- Develop a strategy for dealing with anti-social driving outside of sociable hours.
- Improve the way that Sunderland City Council logs and reports upon residents' speeding complaints and to frequently communicate this data to Northumbria Police.

- Work more closely with the police on the installation of 20mph zones to ensure these can be effectively enforced.
- Work with Northumbria Police to establish Community Speed Watch schemes in problem areas.
- Introduce a system for councillors to request urgent junction protections be installed in areas of their wards where poor visibility is hazardous.
- Prioritise the re-painting of faded junction lines over other road markings where the faded junction lines present a danger to drivers' safety."

The Deputy Leader of the Council, Councillor Rowntree, duly seconded by Councillor Stewart moved the following amendment:-

First Paragraph, after "unsafe roads,"

Delete "and the sometimes inadequate response to these problems"

Add "and will continue to take action to protect public safety in these matters"

Second Paragraph, delete and add new second paragraph.

"We therefore applaud the decision of cabinet in June 2021 to approve a new Road Safety Assessment Scheme that significantly broadened the qualifying criteria for the introduction of traffic management measures, allowing greater flexibility in dealing with road safety issues raised by elected members and their communities."

Third Paragraph

Delete "Council believes"

Add "We also welcome the decision of the Council to embrace Community Wealth Building, recognising"

After "necessary" add "to ensure that we are working with residents"

After "therefore" add "this council"

Amend first bullet point as follows:

Delete "Change"

Add "Implement the changes within the new Road Safety Assessment Scheme as soon as possible thereby changing."

Amend third bullet point as follows:

After “complaints add “through its inclusion within the roll out of the councils new mobile reporting system”

Amend sixth bullet point as follows:

After “be” delete “installed” and add “prioritised”

So that the amended motion would read:

“Councillors of all parties have concerns about road safety in our city. From speeding problems to road markings, we take seriously the complaints we receive from residents about dangerous driving, unsafe roads, and will continue to take action to protect public safety in these matters.

We therefore applaud the decision of cabinet in June 2021 to approve a new Road Safety Assessment Scheme that significantly broadened the qualifying criteria for the introduction of traffic management measures, allowing greater flexibility in dealing with road safety issues raised by elected members and their communities.

We also welcome the decision of the Council to embrace Community Wealth Building, recognising that a culture change within the organisation is necessary to ensure that we are working with residents and therefore this council resolves to:

- Implement the changes within the new Road Safety Assessment Scheme as soon as possible thereby changing the way speeding problem areas are identified, moving away from the median to a system which reflects a mix of incidents numbers, police concerns, resident complaints, and councillor reports.
- Develop a strategy for dealing with anti-social driving outside of sociable hours.
- Improve the way that Sunderland City Council logs and reports upon residents’ speeding complaints through its inclusion within the roll out of the councils new mobile reporting system and to frequently communicate this data to Northumbria Police.
- Work more closely with the police on the installation of 20mph zones to ensure these can be effectively enforced.
- Work with Northumbria Police to establish Community Speed Watch schemes in problem areas.
- Introduce a system for councillors to request urgent junction protections be prioritised in areas of their wards where poor visibility is hazardous.
- Prioritise the re-painting of faded junction lines over other road markings where the faded junction lines present a danger to drivers' safety. “

Upon being put, the amendment was declared to be carried unanimously. The substantive motion, as amended, was put to the meeting and accordingly it was: -

26. RESOLVED that:-

Councillors of all parties have concerns about road safety in our city. From speeding problems to road markings, we take seriously the complaints we receive from residents about dangerous driving, unsafe roads, and will continue to take action to protect public safety in these matters.

We therefore applaud the decision of cabinet in June 2021 to approve a new Road Safety Assessment Scheme that significantly broadened the qualifying criteria for the introduction of traffic management measures, allowing greater flexibility in dealing with road safety issues raised by elected members and their communities.

We also welcome the decision of the Council to embrace Community Wealth Building, recognising that a culture change within the organisation is necessary to ensure that we are working with residents and therefore this council resolves to:

- Implement the changes within the new Road Safety Assessment Scheme as soon as possible thereby changing the way speeding problem areas are identified, moving away from the median to a system which reflects a mix of incidents numbers, police concerns, resident complaints, and councillor reports.
- Develop a strategy for dealing with anti-social driving outside of sociable hours.
- Improve the way that Sunderland City Council logs and reports upon residents' speeding complaints through its inclusion within the roll out of the councils new mobile reporting system and to frequently communicate this data to Northumbria Police.
- Work more closely with the police on the installation of 20mph zones to ensure these can be effectively enforced.
- Work with Northumbria Police to establish Community Speed Watch schemes in problem areas.
- Introduce a system for councillors to request urgent junction protections be prioritised in areas of their wards where poor visibility is hazardous.
- Prioritise the re-painting of faded junction lines over other road markings where the faded junction lines present a danger to drivers' safety.

Government cuts in financial support to most vulnerable

Councillor Noble duly seconded by Councillor Rowntree moved the following motion:-

“Our Council recognises the significant impact on residents, particularly children and young people, of the deplorable decision of the Government to remove the Uplift provision for those on Universal Credit that will push many struggling families further into poverty.

This Council will therefore:-

Support those at risk of financial difficulties by offering solutions such as actively participating in and the promotion of the Kickstart Scheme to local employers, inclusive of for those 16 - 24 on Universal Credit, to gain employment for a minimum of 6 months.

Utilise and enhance our current Welfare Rights Service for those most vulnerable, supporting local job clubs and training provision help up-skill improve confidence and knowledge, to help our residents become more financially resilient through these challenging times to counteract the negative impact.

Ask the Chief Finance Officer to write a further letter on behalf of the Council to the Chancellor and Prime Minister demanding the government re-introduce this payment as a matter of urgency to the many thousands of individuals, families and their children in Sunderland and the North-East that will be adversely affected by this austerity driven cut in financial support to the most vulnerable.”

It having been agreed during the course of the debate that the motion be altered to replace the reference to “Chief Finance Officer” with “Leader”, on the motion being put, it was declared to be carried and accordingly, it was:-

27. RESOLVED that:-

Our Council recognises the significant impact on residents, particularly children and young people, of the deplorable decision of the Government to remove the Uplift provision for those on Universal Credit that will push many struggling families further into poverty.

This Council will therefore:-

Support those at risk of financial difficulties by offering solutions such as actively participating in and the promotion of the Kickstart Scheme to local employers, inclusive of for those 16 - 24 on Universal Credit, to gain employment for a minimum of 6 months.

Utilise and enhance our current Welfare Rights Service for those most vulnerable, supporting local job clubs and training provision help up-skill improve confidence and knowledge, to help our residents become more financially resilient through these challenging times to counteract the negative impact.

Ask the Leader to write a further letter on behalf of the Council to the Chancellor and Prime Minister demanding the government re-introduce this payment as a matter of urgency to the many thousands of individuals, families and their children in Sunderland and the North-East that will be adversely affected by this austerity driven cut in financial support to the most vulnerable.

(Signed) H TRUEMAN
Mayor

Report of the Cabinet

The CABINET reports and recommends as follows:-

1. Budget Planning Framework and Medium Term Financial Plan 2022/2023 – 2025/2026

That at its meeting held on 12 October, Cabinet gave consideration to a report of the Executive Director of Corporate Services which detailed:

- Identified the key factors influencing the development of the Council's financial plans into the medium term and sets out the budget planning framework for the Council for 2022/2023;
- Set out the headlines and context for the Medium Term Financial Plan (MTFP) 2022/2023 to 2025/2026;
- Set out the consultation / communication strategy for the budget 2022/2023; and
- Sought a recommendation to Council for the approval of the updated Council Capital Strategy.

In accordance with the Council's Budget and Policy Framework Council Approval is required for changes to the Council Capital Strategy and an extract from the report on the Capital Strategy Update – 2021/2022 is attached.

The report was also considered by the Scrutiny Coordinating Committee on 14 October 2020. The comments of the Committee will be considered by the Cabinet at its meeting on 15 November 2021.

The comments of the Scrutiny Coordinating Committee and the Cabinet's recommendations to Council will be set out in a supplementary report.

2. Annual Health and Safety Report: April 2020 – March 2021

That they had given consideration to a report of the Executive Director of Corporate Services (copy attached) on the Annual Health and Safety Report: April 2020 – March 2021. The report gives an overview of the management of health and safety at work within the Council.

Accordingly, the Cabinet recommends to Council to note the content of the Annual Health and Safety Report: April 2020 to March 2021.

3. Update to Constitution – Article 2, Article 15 and Council Procedure Rules

That they will be giving consideration to a report of the Assistant Director of Law and Governance (copy attached) to seek agreement to recommend to Council proposed changes to the Constitution with respect to:-

- a) clarifying the position of Members appointed to Committees and Sub-Committees between re-election and the date of the Annual Council meeting;
- b) authorising certain additional Officers to attest to the application of the Authority's Seal on deeds, agreements and other documents;
- c) limiting the number of questions on notice at Council meetings to three from each political group per meeting (excluding urgent questions); and
- d) accepting the service of notices of motion electronically.

Accordingly, Cabinet is requested to recommend Council to:

- 1. approve the proposed amendments to the Constitution as set out in the report and at Appendix 1, 2 and 3; and
- 2. authorise the Assistant Director of Law and Governance to amend the Constitution accordingly, including the making of any consequential amendments, stylistic or typographical changes, to ensure consistency throughout the Constitution.

The Cabinet's recommendations to Council will be set out in a supplementary report.

4. Gambling Act 2005 – Statement of Licensing Principles

That they will be giving consideration to a report of the Executive Director of Neighbourhoods (copy attached) on a revision to appendix three under the Statement of Principles under the Gambling Act 2005, ("the Act") following the consultation exercise.

At its Meeting held on 6 September, 2021 the Licensing and Regulatory Committee, having considered a report concerning the outcome of the consultation exercise on the Council's draft Statement of Principles under the Act, resolved as follows:

That the contents of the report be noted and approval be given to the submission of the draft Statement of Principles to Council for approval under the relevant provisions of the Gambling Act 2005 at its Meeting on 17 November, 2021.

On 12 October 2021, the Economic Prosperity Scrutiny Committee considered a Report concerning the outcome of the consultation exercise on the Council's draft Statement of Principles and resolved that the outcome be noted and agreed.

Accordingly the Cabinet is requested to recommend to Council to approve the Statement of Principles in accordance with the Act which is set out at Appendix 3.

The Cabinet's recommendations to Council will be set out in a supplementary report.

BUDGET PLANNING FRAMEWORK AND MEDIUM TERM FINANCIAL PLAN 2022/2023 – 2025/2026

Extract from report of the Executive Director of Corporate Services to Cabinet 12
October 2021

CAPITAL STRATEGY UPDATE - 2021/2022

1. INTRODUCTION

1.1 Background

- 1.1.1 The overarching aim of the Sunderland City Council Capital Strategy (“the Strategy”) is to provide a framework within which the Council’s capital investment plans will be prioritised and delivered in line with the City Plan (2019 – 2030) with an overall ambition that by 2030 Sunderland will be a connected, international city with opportunities for all. This reflects the ongoing commitment to ensure the Council puts residents and customers at the heart of everything we do, reflecting the diversity of the city.

The Capital Strategy is intended to give a high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services along with an overview of how associated risk is managed and the implications for future financial sustainability.

- 1.1.2 The Prudential Code for Capital Finance in Local Authorities was updated by the Chartered Institute of Public Finance and Accountancy in December 2017 with further guidance released in September 2018. The framework established by the Prudential Code supports local strategic planning, local asset management planning and proper option appraisal.
- 1.1.3 The updated Prudential Code requires local authorities to have an approved Capital Strategy, in order to demonstrate that the authority takes capital expenditure and investment decisions in line with service objectives and properly takes account of stewardship, value for money, prudence, sustainability and affordability. The Capital Strategy sets out the long-term context in which capital expenditure and investment decisions are made and gives due consideration to both risk and reward and the impact on the achievement of priority outcomes.
- 1.1.4 The Prudential Code also refers to the need for a clear and integrated treasury strategy which, by the application of set prudential and treasury management financial indicators enables the Council to assess and monitor the prudence, affordability, and sustainability of the capital programme.
- 1.1.5 The Council’s Capital Strategy has been prepared to provide a framework within which the Council’s capital investment plans will be prioritised and delivered, ensuring it adheres to the requirements of the Prudential Code. This is covered over the following key areas:

- Capital expenditure including governance, monitoring, priorities, pipeline, and longer-term planning;
- Funding approach;
- Debt, borrowing and treasury management;
- Commercial activity;
- Other long-term liabilities; and
- Knowledge and skills.

1.1.6 The Strategy covers the Council as well as Together for Children Limited and Sunderland Care and Support Limited. Given the different relationship with Siglion and its development portfolio, not all of its activity is covered by this Strategy.

2.0 OBJECTIVES OF THE CAPITAL STRATEGY

2.1 The key objectives of the Capital Strategy are to:

- provide a clear set of objectives and a framework within statutory legislation that enables proposed new capital expenditure to be evaluated to ensure that all new capital investment is targeted at addressing the economic and social challenges that Sunderland faces as set out in the City Plan, so that the city and its people can achieve their full potential;
- ensure prioritisation of projects that focus on delivering a number of the commitments contained in the City Plan;
- set out how the Council identifies, programmes, and prioritises capital requirements and proposals arising from business plans submitted through an appraisal mechanism;
- provide a long-term view of capital expenditure plans and risks faced by the Council over the life of assets;
- consider options available for funding capital expenditure and how resources may be maximised to generate investment in the area, whilst minimising the ongoing revenue implications of any such investment;
- provide a basis for the projection of external debt and provision for repayment of that debt over the life of the underlying debt based on the approved capital programme and other capital resources available;
- consider the resources available for capital expenditure over the longer term;
- ensure the strategy has an overall balance of risk on a range of investments over timespan, type of investment and rate of return, confirming that knowledge and skills available to the Council are commensurate with the Council's investment risk appetite; and
- establish effective arrangements for the management and monitoring of capital expenditure including the assessment of project outcomes, budget profiling, deliverability, value for money and security of investment.

2.2 Capital Priorities

The Council's Capital Priorities are aligned to the City Plan "Sunderland 2019-2030" Themes:

- By 2030 Sunderland will be a **dynamic smart city** with more and better jobs, a low carbon economy and a great choice of housing. It will be a leading digital city, deploying smart and sustainable technologies for the benefit of residents, business, and visitors;
- Sunderland will be a **healthy smart city** where people will live healthier, independent lives for longer. It will be a clean and attractive city with great transport and travel links; and
- Sunderland will be a **vibrant smart city** with more resilient people feeling safe in their homes and neighbourhoods. There will be a range of opportunities for people to participate in their communities and in cultural events and activities.

In addition, the continuing priority for the Council is on serving all of our residents in Sunderland with the best possible services and support, with a focus on long term benefits for our children and young people beyond 2030.

(a) Dynamic Smart City

The Council is focused on securing Sunderland's long-term future. This will involve a lower carbon city with greater digital connectivity for all, more and better jobs, more local people with better qualifications and skills, a stronger city centre with more businesses, housing, and cultural opportunities and more and better housing.

A range of actions, that reflect the area within which the Council can most positively deploy its capital resources, form the core focus of this aim. In doing so, these contribute towards Council funding in the longer term through additional council tax, business rates or land sale receipts, so contributing to the future sustainability of Council services.

A lower carbon city with greater digital connectivity for all - The focus within this commitment is on the physical aspects of digital connectivity for both residents and business. There is also a focus on reducing overall emissions, with transport known to be a significant factor in emission levels. The Council has set a target of becoming 'Carbon Neutral' by 2030.

More and better jobs – Overall employment for Sunderland was 68.8% at the end of 2020/21, which is 2.4% below the NE position. Our focus remains on increasing well paid jobs in the city through promoting growth in target sectors including advanced manufacturing, Port related activity, the digital and software sector, professional sector in the City Centre (office jobs) alongside more creative and cultural businesses in relation to vibrancy.

More local people with better qualifications and skills – The City Plan sets out the challenge that the qualifications and skills that residents have don't match the needs of industry in the city. Our plans focus on tackling barriers for those least able to access employment and ensuring that more local people are able to benefit from a stronger economy. We will also support and enable apprenticeship and work experience opportunities focused on skills and experience for the local economy and ensure the fabric of our learning establishments is supporting the best possible learning outcomes. The Council also has a statutory duty to ensure that there are sufficient school places in the city.

A stronger city centre with more business, housing, and cultural opportunities – The City Plan sets out the challenge that Sunderland City Centre is not functioning as the economic motor of the city. There is a need to attract new jobs to the city and new homes for city centre living. Our plans focus on a range of physical developments and development of key sites to promote regeneration. Through our everyday planning responsibilities, we continue to work to promote a desirable and vibrant retail and leisure offer.

More and better housing – Our focus under this City Plan commitment is to enable the delivery of more housing, in particular larger family, and high-status homes to stem outward migration from the city. Alongside this, we are committed to ensuring that the housing we have is of quality by bringing empty homes back into use, reducing properties with a category 1 hazard and ensuring enough affordable housing. The Council's Housing Strategy provides the vision for a greater choice of good quality homes which meet the needs and the aspirations of our residents.

(b) Healthy Smart City

Reduced health inequalities enabling more people to live healthier longer lives – One of the key challenges for the City is that health outcomes in Sunderland are still poor and health behaviours haven't yet changed sufficiently. Our plans focus on areas where we can support individuals (and businesses through the Better Health at Work Awards) to make healthy choices, thereby promoting healthy behaviours and overall wellbeing. We want to increase activity at all levels, from everyday activeness through to a city being recognised as a centre of excellence in sport.

Access to equitable opportunities and life chances – This commitment is about reduced health inequalities enabling more people to live healthier longer lives, access to equitable opportunities and life chances, people enjoying independent lives, a city with great transport and travel links and cleaner and more attractive city and neighbourhoods.

People enjoying independent lives – Although 98.4% of people aged 18+ in the city live independently (without social care services) based on mid-year estimates, we remain committed to ensuring people in the city can enjoy independent lives. Working with our partners, we aspire to reducing the number of emergency hospital admissions due to falls for those aged 65+ through our City Plan and want to ensure that as far as possible adults with learning disabilities and those with secondary mental health services can live independently (currently at 92.9% and 54% respectively). This means greater partnership working and maximising the use of technology.

A City with great transport and travel links – Our emphasis within the City Plan is about ensuring that people can move around the city with ease through improved transport routes (roads), enabling access to key employment sites. It is also about active travel within the city by having in place the necessary infrastructure of sufficient and appropriate cycle routes and walkways.

Cleaner and more attractive city and neighbourhoods – Our focus here is on promoting environmental responsibility amongst residents to achieve a cleaner and more attractive city. We are encouraging communities to take greater responsibility for their environments through a community responsibility communication plan.

(c) Vibrant Smart City

More resilient people - We will support our people to be more resilient by supporting families that require early help and we will also seek to build resilient communities through mitigating the impact of welfare reform and hardship where possible.

More people feel safe in their neighbourhoods and homes – This commitment relates both to people feeling safe from crime and vulnerable adults who use our services feeling safe. We are committed to disrupting criminal and anti-social behaviour through intervention and enforcement

More residents participating in their communities – This commitment is about residents, including children and young people, being able to engage with and participate in their communities – with a focus on enabling participation for all.

More people visiting Sunderland and more residents informing and participating in cultural events, programmes, and activities – Prior to the restrictions due to the COVID pandemic, figures show that both the number of visitors and visitor spend was increasing. Our focus is on gaining funding for new sporting and cultural events and facilities.

(d) Organisational Health

As an organisation we have a challenging but exciting cultural change journey ahead. The Council needs to continually improve and be innovative in our approach to counteract reducing budgets and financial uncertainty. We are committed to ensuring we have a productive healthy workforce, maintaining a lower level of sickness absence. Moving ahead we will enable greater agile and paperless working through the adoption of digital technologies and will continue to enable more digital interaction with our customers thereby promoting self-serve. The Council must focus on intelligence-based decision making to ensure that services are provided that represent value for money and 'invest to save' projects will be utilised where necessary to achieve this. We need to support innovation and collaborative ways of working to make sure the people in greatest need are supported. More must be done to address demand pressures and build individual and community resilience.

The Council will seek to maximise the return on investment through:

- Generating savings or supporting avoidance of additional revenue costs;
- Growing the Council's income base i.e., fees and charges, business rates and council tax;
- Seeking a commercial return; and
- Generating and supporting funding opportunities which encourages and levers in private sector investment to the city.

2.3 The global pandemic has clearly impacted upon the City's residents, businesses, and visitors. Work to deliver the ambitions set out in the City Plan has continued throughout the pandemic and is critical to the City's recovery.

2.4 Partnership working and investment opportunities

2.4.1 The Council will work with key partners to review physical and technological assets on a city-wide basis and maximise the potential benefits and opportunities of wider capital and infrastructure planning (including health sector partners, the College, University and Gentoo).

2.4.2 The Council will ensure that strong partnership arrangements are in place to enable truly collaborative working with regional partners. This includes the key partnerships of the Tyne and Wear City Region (including the LA7), North East Combined Authority, North of Tyne Combined Authority, and the North East Local Enterprise Partnership (LEP).

3.0 CAPITAL EXPENDITURE

3.1 The definition of capital expenditure under the Local Government Act 2003 is

'expenditure that results in the acquisition of, or the addition of subsequent costs to assets (tangible or intangible) in accordance with proper practices'

- 3.1.1 To meet the definition of capital, expenditure will only be classified as capital expenditure if the expenditure is directly attributable to an asset and:
- Results in the acquisition, construction, or improvement of an asset;
 - Is separately identified and measurable; and
 - Results in a measurable benefit to the Council for a period in excess of 12 months.

- 3.1.2 In addition, the Local Government Act 2003 allows the following type of expenditure to be classified as capital expenditure:

'the giving of a loan, grant or other financial assistance to any person, whether for us by that person or by a third party, towards expenditure which would, if incurred by the authority be capital expenditure'

- 3.1.3 Whether acquired or self-constructed, fixed assets should initially be measured at cost. Only costs that are directly attributable to bringing the asset into working condition for its intended use should be included. Such costs should be capitalised only for the period in which the activities that are necessary to get the asset ready for use are in progress.

3.2 Governance of the Capital Programme

- 3.2.1 To ensure that available resources are allocated optimally and deliver value for money, capital programme planning is determined in parallel with the service and revenue budget planning process within the framework of the medium-term financial plan (MTFP).

- 3.2.2 The Council has mechanisms in place which seeks to ensure that there is an integrated approach to addressing cross-cutting issues and developing and improving service delivery through its capital investment in pursuance of the Council's priorities. These include:

- Democratic decision-making and scrutiny processes which provide overall political direction and ensure accountability for the investment in the capital programme. These processes include:
 - Full Council, which is ultimately responsible for approving the Capital Strategy, the Treasury Management Strategy, and the Capital Programme;
 - Cabinet, which is responsible for setting the corporate framework and political priorities to be reflected in the Capital Programme and recommends projects for inclusion in the Capital Programme. Cabinet also monitors delivery of the capital programme through the quarterly capital and treasury monitoring process;
 - Scrutiny Coordinating Committee, which considers the programme of new starts for inclusion in the Capital Programme and reviews the MTFP to provide challenge, advice, and commentary to Cabinet where appropriate; and
 - All schemes which progress follow the requirements of the constitution and financial regulations including Financial Procedure Rules and Procurement Procedure Rules.

- Officer Groups which bring together a range of service interests and professional expertise. These include:
 - The Chief Officer Group (COG) which has overview responsibility for the development, management, and monitoring of the capital programme; COG acts as the Capital Strategy Board and provides a framework within which the Council capital investment plans will be scrutinised and prioritised, and delivery of approved plans will be monitored;;
 - Directorate Management Teams overseeing and proposing business cases for investments prior to finance and legal due diligence for submission to the Capital Strategy Board; and
 - Specific Programme and Project boards with wide ranging membership are also created as appropriate to oversee significant capital development projects as required.

3.3 Capital Programme 2021/2022 – 2024/2025

The current approved capital programme commits substantial resources over the four years to 2024/2025 and can be viewed at [Capital Programme 2021/22 - 2024/25](#)

A quarterly financial review of the Capital Programme is reported to Cabinet each July, October, and January outlining any in year variations, together with an outturn report in June.

3.4 Process for Prioritising New Capital Proposals

The annual process for identifying and prioritising new capital requirements involves a cross-section of stakeholders. The stages and roles within this process are outlined below:

Stage 1 - Identification and Prioritisation of Proposals within Directorates

Executive Directors, through discussion with Cabinet Portfolio holders, are requested to identify projects which are of high priority to their service area and are aligned with the City Plan. The supporting business case provides a clear justification for the proposal and sets out the rationale for its priority level. In addition, Executive Directors undertake a full review of the existing capital programme to confirm that planned projects remain a priority for the Council.

Stage 2 - Initial Review and Challenge

The Finance section undertakes an initial review and challenge of the proposals received to ensure completeness and robustness of submissions.

Stage 3 - Corporate Strategic Review and Prioritisation

- Submissions are reviewed and challenged by the Capital Strategy Board who assess the relative priority of the submissions from a strategic perspective, aligned to the corporate priorities; and

- The Capital Strategy Board recommend the projects to be taken forward after taking into account the total resources available and any consequences on the MTFP budget planning process.

Stage 4 - Member Review and Challenge

- Cabinet considers for recommendation to Council the prioritised proposed new start projects;
- Scrutiny Coordinating Committee reviews and challenges the recommendations from Cabinet;
- Cabinet considers the comments from Scrutiny Coordinating Committee and makes a final recommendation to Council; and
- Council considers the recommendations from Cabinet and approves the capital programme for the following 4-year period.

3.5 Monitoring of the Capital Programme

3.5.1 Monitoring of the programme includes expenditure profiling and the delivery against timetable for each project. This, in turn, informs the debt cost of schemes and the associated revenue impacts.

3.5.2 Schemes are regularly monitored by project managers, supported by finance colleagues, which informs quarterly reports to Cabinet that identify changes to the capital programme including:

- New resource allocations.
- Slippage and acceleration in programme delivery;
- Schemes reduced or removed;
- Virements between schemes to maximise delivery and outcomes;
- Revisions to expenditure profile and/or funding to ensure ongoing revenue costs are minimised; and
- Revisions to timelines and significant changes in anticipated outcomes.

3.5.3 Non-financial outputs from the Capital Programme are monitored through the City Plan performance, capturing the wider benefits of schemes over a longer timeframe.

3.6 Longer Term Planning

3.6.1 The current capital planning cycle duration is 4 years, which covers the short to medium term capital investment requirements of the Council. The Prudential Code requires the Capital Strategy to consider the Council's longer-term capital investment requirements, although it does acknowledge that when taking a long-term view of assets, projections in later years are likely to involve a high degree of estimation.

3.6.2 The Council's capital programme, as approved in March 2021 and taking into account any subsequent approved variations, covers the period through to 2024/25 and totals £691.900m. In addition, new capital scheme proposals to commence from April 2022 are currently being developed and are to be considered by Cabinet and then full Council in March 2022 prior to their commencement.

Table 1 below provides a high-level minimum estimate of the capital requirement over the subsequent 15-year period commencing 2026/2027. The totals provided reflect the recurring elements of the capital programme necessary to maintain the status quo of asset groups. Non-recurring projects / initiatives, such as regeneration projects, are excluded from this analysis given their one-off nature.

The recurring elements of capital investment required to maintain service delivery are grouped into a number of asset areas, these are:

- Highways – Improvement and maintenance of the Council's major highway assets including roads, bridges, footways, and traffic signal equipment;
- Property – Improvement and maintenance of Council buildings to support front line services;
- Vehicles – Acquisition of vehicles, such as refuse collection vehicles and large specialist vehicles, to support front line services; and
- ICT and Connectivity – Improvement and replacement of the Council's ICT infrastructure and devices to directly support Council services across the city.

Any further regeneration initiatives following planned feasibility assessments and any other emerging schemes not covered by the above will be developed and appraised in line with the City Plan priorities and reported to Cabinet for consideration at the appropriate time.

Table 1 – Long Term Capital Requirement Forecasts beyond Capital Programme Period

Asset Group	Forecast Requirement 5 Years (2026/27 – 30/31)	Forecast Requirement 10 Years (2031/32 – 40/41)
	£m	£m
Highways (1)	18.750	37.500
Property (2)	3.750	7.500
Vehicles (3)	6.500	13.000
ICT (4)	2.500	5.000
TOTAL	31.500	63.000

Assumptions;

- (1) Highways – £3.750m per annum rolling programme of planned maintenance works and improvements. This estimate does not include investment supported by external funding from the Department of Transport, this has historically totalled c. £5m per annum for the Council and is anticipated to continue at this level.
- (2) Property - £0.750m per annum rolling programme of planned property capital maintenance.

(3) Vehicles - £1.300m per annum rolling fleet refresh programme (based on 10-year full replacement programme estimate of £13m)

(4) ICT and Connectivity – £0.500m per annum rolling refresh of user devices and core infrastructure.

Actual budget allocations will be determined as part of the annual revenue and capital budget setting process taking into account affordability at the time and service priorities.

The level of investment noted in table 1 above would result in an average annual spend of £6.300m. This level of additional borrowing would require an increase of around £0.543m to the revenue budget each year for the 15-year period to take account of debt charges.

4.0 FUNDING APPROACH

4.1 There are several external and internal funding sources which the Council explores to support the development and delivery of the Capital Programme. These include;

- UK Government and North East Local Enterprise Partnership (NELEP) grants;
- Non-Government, Lottery and European grants;
- Developer Private / Partnership Funding;
- Enterprise Zone Finance and Tax Incremental Finance;
- Capital Receipts and Council reserves; and
- Prudential Borrowing.

Each potential funding approach comes with varying conditions and risks which need to be assessed and then managed as part of the scheme delivery.

4.1.1 UK Government and North East NELEP grants

- Grants are allocated by Government departments to specific programmes or projects on a competitive or formula basis. The Council seeks to maximise such allocations, developing appropriate projects and programmes which address priority needs in the city. With the Local Growth Fund and European funding programmes now largely committed in the North East LEP area, the Council continues to access and investigate funding opportunities linked to the UK's Industrial Strategy and the Levelling Up agenda. Recent funding secured for major projects include support from the Housing Infrastructure Fund for the South Sunderland Growth Area project, Transforming Cities Fund support for the redevelopment of Central Station, and Future High Streets Fund support for a city centre transformation programme. The Council has also secured Getting Building Fund approval for two new capital projects to support digital and strategic infrastructure in the city centre and riverside areas, and for investment in additional energy infrastructure on the Hillthorn Business Park site in Washington. The Council is awaiting the outcome of its round 1 bid to the Levelling Up Fund and intends to develop two further bids to future rounds of the fund. It is also awaiting further consultation and guidance on the UK Shared Prosperity Fund and City Region Sustainable Transport Fund both of which should offer additional capital funding opportunities for the city in the next 5 years.
- Specific Government grants are utilised to support planned capital expenditure for example, maintenance of transport infrastructure, school buildings and

provision of Disabled Facilities.

4.1.2 Non-Government and European grants

The Council continues to monitor opportunities to access non-government funding sources such as the National Lottery Heritage Fund, Sports England, Historic England, National Lottery Community Fund, and the Arts Council to support the delivery of the City Plan.

Apart from a number of existing capital projects that are currently being delivered, there are no further opportunities to access EU funding, and specifically the European Regional Development Fund. All current EU funded projects must be completed by the end of 2023. Local government continue to lobby for a UK successor programme that will operate beyond 2021 and that will adequately replace European Structural Fund programmes such as the European Regional Development Fund and European Social Fund.

The UK Shared Prosperity Fund will be launched later this year and that it will operate from 2022. Its coverage will reflect local and regional priorities set out in the North East Strategic Economic Plan.

4.1.3 Developer Private Funding

The Council has entered a number of private financing / partnering arrangements in recent years including Sunderland Lifestyle Partnership and Waste Management PFI. Funding arrangements have also been entered into with Legal and General in relation to the City Hall that will see other office developments funded and delivered by Legal and General as part of Riverside Sunderland.

The Council is committed to working with partners in the development of the City and its services. Various mechanisms provide opportunities to enhance the Council's investment potential with support and contributions from other third parties and local strategic partners. These range from commissioning / facilitating others to develop services in the city, funding for regeneration projects, and through match funding / joint funding of developments.

4.1.4 Alternative Sources of Financing

Enterprise Zones:

The Council has three live Enterprise Zone sites: A19 Low Carbon Zone, land at the Port of Sunderland and IAMP Phase 1. The Government's Enterprise Zone model allows all business rates growth generated by the Enterprise Zone to be kept by the relevant LEP for a period of 25 years. To unlock sites locally, the North East LEP has approved a model of forward funding the required infrastructure work, whereby local authority borrowing is financed through the future flow of business rates growth receipts.

Tax Incremental Finance (TIF):

Tax increment financing (TIF) permits local authorities to borrow money for infrastructure projects against the anticipated increase in tax receipts resulting from the infrastructure. TIF arrangements need to be negotiated and agreed with Central Government.

4.1.5 Internal funding

- Capital receipts from asset disposals

The Council has a substantial property estate, mainly for operational service requirements and administrative buildings. Reviews undertaken in accordance with the Asset Management Plan identify properties which are surplus to requirements and which can be disposed.

Capital receipts from asset disposals represent a finite funding source and it is important that a planned and structured manner of disposals is in place to support the priorities of the Council. As part of its property rationalisation programme, the Council markets sites when it is felt to be the appropriate time in order to achieve best value and help support operational efficiencies.

The Efficiency Strategy, approved annually by Council, includes the continued proposed use of capital receipts to support costs arising from implementing the Council's savings programme, in accordance with Government guidance on the availability of flexibility around the use of capital receipts for transformation purposes through to 1st April 2022.

The Council continues to maintain a policy of not committing receipts in advance of realisation and does not ring-fence the use of capital receipts to fund new investment in specific schemes or service areas, except where regulations require this i.e., educational land receipts. Instead, subject to any claw back provisions, resources are allocated in accordance with key aims and priorities.

While the Council does not commit receipts in advance of realisation, an indicative programme of sales of assets into future years is in place against which progress will be monitored and managed.

Receipts realised will be used to assist the Council's long term financial position. This will involve appraisal of the options to maximise revenue benefits, which could include:

- Repayment of existing debt;
- Mitigating requirements for future borrowing requirements in delivering the capital programme priorities;
- Funding of Transformation Projects that will deliver efficiencies; and
- Funding additional priorities.

- Capital Reserves

There is currently limited scope for Capital reserves to support new capital proposals. Opportunities for the creation of additional capital reserves will be considered in the light of the outturn funding position each financial year.

- Lease finance
Leasing may be considered where this provides best value as an alternative to purchasing.
- Revenue
Capital expenditure may be funded directly from a revenue contribution (CERA – capital expenditure charged to revenue account). However, the general pressures on the Council's revenue budget and Council Tax levels limit the extent to which this may be exercised as a source of capital funding.
- Prudential “unsupported” borrowing
Under the Prudential Code, the Council has discretion to undertake borrowing to fund capital projects. The full cost of that borrowing must be taken account of in the Council's budget, through the Minimum Revenue Provision (MRP) Policy. Any borrowing must be prudent, affordable, and sustainable. The Code of Practice was refreshed in 2017 and places greater emphasis on assessment of the long-term impact of the capital programme on the wider financial context and the approach to the risk management of the capital programme.

Given the pressure on the Council's revenue budget, prudent use has been made of borrowing where there was a clear financial benefit, such as “invest to save”, “spend to earn” or major regeneration schemes, which provide a net return over and above the borrowing cost, or a wider city benefit in line with the ambitions of the City Plan.

Council resources will be allocated to programmes based on asset lives to manage the long-term yield and revenue implications. Where available, any capital receipts will be focused on those assets with short term life span (e.g., vehicles and IT investments) and the unsupported borrowing on long term assets (e.g., land and buildings).

In November 2020, the Government published revised lending terms for the Public Works Loan Board (PWLB), which were implemented from the 26 November 2020 with a revision on 12 August 2021. The main feature of the new lending terms was to prevent Local Authorities from using PWLB loans to buy commercial assets primarily for yield.

Any investment asset bought primarily for yield which was acquired after 26 November 2020 would result in the authority not being able to access the PWLB in that financial year or being able to use PWLB to refinance this transaction at any point in the future.

It isn't possible to reliably link loans to specific spending, so this restriction applies on a ‘whole plan’ basis – meaning that PWLB will not lend to a Local Authority that plans to buy investment assets primarily anywhere in their capital plans, regardless of whether the transaction would notionally be financed from a source other than the PWLB.

5.0 DEBT, BORROWING AND TREASURY MANAGEMENT

5.1 As defined by CIPFA in the Treasury Management Code of Practice, Treasury Management is:

5.2

‘the management of the organisation’s investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with the activities; and the pursuit of optimum

Under the Prudential Code, local authorities have discretion over the funding of capital expenditure and the level of borrowing they wish to undertake to deliver their capital plans and programmes. However, capital spending plans must be affordable, sustainable, and prudent. To demonstrate this, the Council’s longer term financial needs, alongside a projection of forecast external debt and borrowing, are detailed within the Prudential and Treasury Indicators 2021/2022 to 2024/2025 and within the Treasury Management Strategy Statement. This is approved annually by Council.

5.3 Table 2 below shows the estimated net revenue cost of debt charges and the future borrowing levels that will be required by the Council to meet its estimated capital financing requirement (CFR) over the 20-year timeframe included in the Capital Strategy. The table includes longer term capital financing requirements beyond the current capital programme timeframe that are identified in section 3.6 of this report but does not include other long-term liabilities (e.g., PFI schemes and finance leases).

5.4 The CFR quantifies capital expenditure that has not yet been paid for from revenue or capital resources. It measures the authority’s underlying need to borrow for a capital purpose. It does not increase indefinitely as it is decreased by the Minimum Revenue Provision, which broadly reduces the borrowing need in line with assets lives. Consideration will be given to utilising cash backed reserves to temporarily fund the Council’s borrowing requirement.

Table 2

	2025/26 £m	2030/31 £m	2035/36 £m	2040/41 £m
Capital Financing Requirement	877.543	811.349	738.055	645.804
Existing External Debt	388.679	363.659	354.007	354.063
Additional External Debt Requirement	488.864	447.690	384.048	291.741
Net Debt Charges	34.510	37.230	39.750	35.823

The-Council ensures that the revenue implications of capital finance, including financing costs, are properly taken into account within option appraisal processes, the capital programme and the MTFP.

- 5.4 The liability benchmark for the Council is shown in table 3 below. This shows the Council's existing projected debt repayment profile through the Minimum Revenue Provision (MRP) (liability benchmark) set against the existing repayment profile implied by the actual maturity profile of borrowing taken out by the Council. The table suggests that the Council will have a cash surplus in the long term and that projected debt repayments through MRP will not match actual debt repayments. However, following consultation and advice from the Council's treasury advisers, Link Asset Services, the Council has taken the decision to borrow over longer-term periods. This borrowing has been taken out where it offers good value and to allow for the potential to benefit from refinancing debt in the future. A further benefit is that it reduces risk by giving certainty of borrowing rates over the long term.

Table 3

	Loan Debt Maturities	Liability Benchmark	% Variance	Permitted Range
< 1 year	2%	1%	1%	0% - 50%
1 – 2 years	1%	1%	0%	0% - 60%
2 – 5 years	2%	5%	3%	0% - 80%
5 – 10 years	6%	10%	4%	0% - 100%
10 – 20 years	2%	23%	21%	0% - 100%
20 – 40 years	24%	46%	22%	0% - 100%
> 40years	62%	15%	47%	0% - 100%

5.5 Borrowing Limits

All external borrowing and investment undertaken is subject to the monitoring requirements of the Prudential Code. Under the Code, Authorities must set borrowing limits (Authorised Borrowing Limit for External Debt and Operational Boundary for External Debt) and must also report on the Council's performance for all the other Treasury Management Prudential Indicators.

Further details are included within the Prudential and Treasury indicators 2021/2022 to 2024/2025 as approved by Council in February 2021.

5.6 Debt Repayments

The Council is required to repay an element of its capital financing requirement each year through a revenue charge known as the MRP. The Council must set a prudent amount of MRP in an annual MRP Policy Statement that is approved by Full Council each year.

5.7 Treasury Management Governance and Risks

The Local Government Act 2003 and subsequent guidance requires the Council to set out its Treasury Management Strategy for Borrowing and to prepare an Annual Investment Strategy. This sets out the Council's policies for managing both its borrowing and its treasury investments, which gives priority to the security and liquidity of those investments.

6 COMMERCIAL ACTIVITY – INVESTMENT STRATEGY

- 6.1 Since 2010 local government finances have been restricted by annual grant reductions, with much greater emphasis on self-sufficiency. The Council's Capital Strategy aims to support this agenda by increasing the physical and economic regeneration of the city, to generate more business rates and council tax to support Council services.
- 6.2 In recent years, a number of local authorities have increased their property portfolio for purely commercial / income reasons, often outside of their geographic area, in order to support existing Council budgets faced with continued grant reductions. This practice has drawn concern from both CIPFA and the Department for Levelling Up, Housing and Communities (DLUHC) around the risk and security of funds from such commercial activity. DLUHC has subsequently updated its Statutory Investment Guidance, which requires that authorities:
- Prepare an investment strategy for approval by full Council once a year;
 - Disclose the contribution that investments make "toward the service delivery objectives and / or place making role of the local authority";
 - Include indicators that enable assessment of the authority's investments and decisions taken;
 - Must not "borrow in advance of need" to profit from the investment of the sums borrowed. This requirement now applies to non-financial investments (e.g., investment in commercial property that is solely commercial) rather than financial instruments. In the past, investment in commercial property would have counted solely as capital expenditure and so could have been funded by borrowing; and
 - If they do borrow in advance of need for profit, authorities must set out the reasons for their non-compliance in the strategy and their risk management arrangements.
- 6.3 To date, the Council has not entered any investment decisions (outside of Treasury Management transactions) that solely focus on the commercial return of that investment. Whilst some capital developments and loan agreements in place have a commercial rate of return, and this is considered as part of any decisions approved, all such investments are principally to support the regeneration and economic sustainability of the city. The Council has no property assets defined as "investment assets" on its balance sheet.
- 6.4 The Council has prepared this investment strategy to comply with the statutory guidance issued by the DLUHC. In doing so, the overarching principles of any investment decisions are that:
- Investment decisions are made with the primary purpose of supporting the regeneration and economic resilience of the city, and that the benefit of such is set out as part of the decision-making process. As such no borrowing "in advance of need" would be undertaken;
 - Any proposals to undertake any such investment decisions would fully consider appropriate risks and security of funds as part of any decision-making process and weigh up these risks against the anticipated benefits of the proposal;
 - There would be a fully calculated and robust financial case of any proposal to be considered; and

- The approval for any such proposals follow the existing governance and approval process as set out in the Council's constitution.
- 6.5 Any ongoing monitoring of investment decisions will be undertaken using existing channels i.e., revenue and capital monitoring. No additional mechanisms will be put in place given the Council does not intend to undertake any purely commercial activities.
- 6.6 This strategy and the related activity sits alongside the Treasury Management strategy referenced elsewhere, as well as having direct relationships with borrowing and Prudential Indicators. The Council will ensure that this policy is updated on an annual basis to be compliant with any such changes as required by CIPFA or the DLUHC.

7 ASSET MANAGEMENT PLANNING

- 7.1 The Council has a responsibility for assets used in service delivery including property and highways infrastructure. It is essential to understand the need, utilisation, condition and the investment and operating costs associated with the Councils asset portfolio.
- 7.2 When prioritising investment, it is essential to understand the long-term cost of maintaining and operating existing assets, having consideration of which are deemed essential in continued service delivery or which can be considered for alternative uses.
- 7.3 Approved Asset Management Plans are in place for property assets that demonstrate the Council's stewardship of assets. A disposal strategy is also in place to relinquish or find alternative beneficial uses for assets deemed surplus to requirements.
- 7.4 In line with best practice, Cabinet will consider development plans for Highways and other infrastructure assets during 2021/22 and updates on property asset management plans already developed. The Council's approach to asset management and stewardship of assets will be supported by targeted internal and external reviews to assess the effectiveness of asset management practices including governance, risk management and control.

8 OTHER LONG-TERM LIABILITIES

- 8.1 Councils may take on liabilities and hold investments explicitly in the course of service delivery including regeneration. Whilst not included within the Capital Programme or the Treasury Management Strategy, they are included within the wider Capital Strategy to give an overarching view of the Council's financial position.
- 8.2 As at 31st March 2021 the Council held £65.219m long-term liabilities in respect of PFI schemes;
- Waste Management Partnership £45.601m;
 - Street Lighting and Highways Signs £13.838m; and
 - Sandhill View £5.779m.

- 8.3 The Council also held finance leases liabilities of £8.652m at 31st March 2020 mainly in respect of Sunnyside Multi Storey car park and the City Library building and embedded vehicle leases.
- 8.4 The Council has entered a number of joint venture partnerships and provided loans to the following:
- Sunderland Lifestyle Partnership - In June 2015 the Council entered a unique joint venture (JV) partnership, known as Sunderland Lifestyle Partnership, with Sports & Leisure Management Ltd (SLM), to manage and operate the city's leisure facilities. The JV is a private company limited by shares and is owned by the Council and SLM in equal shares (50:50) and is managed by a board of directors with an equal number of representatives from each party; and
 - IAMP LLP - This joint venture has been established with South Tyneside Council to deliver the International Advanced Manufacturing Park to the north of Nissan. Both parties own 50% of the LLP. Land currently held by IAMP has been financed through Local Growth Funding grant and member loans in the form of Loan Notes.

The Council also has the following Financial Guarantees in place:

- Future possible payments may be required to Gentoo (formerly the Sunderland Housing Group) under the terms of the Transfer Agreement established between the Council and Gentoo for claims relating to non-environmental and environmental warranties. This agreement was drawn up as part of the Large-Scale Voluntary Transfer which took place on 26th March 2001 which transferred all Council Housing and related assets to Gentoo;
- In addition to this, the Council acts as a guarantor to the Tyne and Wear Pension Fund in respect of pensions for employees who were originally employed by the Council but transferred to Gentoo in March 2001; and
- The Council also acts as a joint guarantor (along with other councils) to the Tyne and Wear Pension Fund in respect of pensions for employees of several bodies such as the Association of North East Councils (ANEC) and the North East Regional Employers Organisation (NEREO). The councils involved have agreed with the Pension Fund administrators that, in the unlikely event of any of these bodies failing, any pension deficit would be repaid over an agreed repayment period. Independently, the Council has similar arrangements in place for possible pension deficits with several other organisations.

These guarantees have all been judged to be insurance contracts and have been valued accordingly.

- 8.5 All other long-term liabilities are subject to Council approval and detailed business cases are provided prior to approval being given. This includes clear identification and quantification of financial risks and any implied subsidy included in the proposals. All long-term liabilities are closely monitored for changes to assumptions made and the probability of financial guarantees being called upon.

9 KNOWLEDGE AND SKILLS

- 9.1 The respective disciplines which support the implementation of the Capital Strategy across the Council i.e., finance, legal, property, etc. are delivered by officers with the necessary skills and professional standing. Officers regularly attend training courses, seminars and conferences provided by CIPFA, RICS and other bodies to ensure they are up to date with emerging issues, regulatory changes, and best practice.
- 9.2 To ensure appropriate skill levels are available within the Council, suitable officers are provided with the opportunity to undertake professional training. The introduction of the Government's Apprenticeship Levy initiative is now supporting the financing of such development opportunities.
- 9.3 The Council uses Link Asset Services as its external treasury management advisers. The Council recognises that responsibility for treasury management decisions remain with the Council at all times and ensures that undue reliance is not placed upon our external service providers. It also recognises that there is value in employing external providers of treasury management services in order to acquire access to specialist skills and resources.
- 9.4 Where deemed necessary, external advisers / consultants will be engaged to support Council officers. These engagements may cover work packages including; business case development, regulatory consideration / compliance, project appraisal and specialist project delivery advice and support.
- 9.5 New Councillors are provided with financial training as part of their induction programme by internal Finance Officers. In addition, existing councillors can opt to receive refresher training as and when required, for example when they have a change in responsibility.

10 CONCLUSION

- 10.1 The Council has a long-established history of strong financial management. This Capital Strategy does not, in itself, introduce any new controls, but serves as a useful document as it summarises all the arrangements in place around our capital activities. It highlights the comprehensive arrangements in place to ensure that the Council can balance the need for continued investment in the city with the requirement to set a balanced MTFP and address the ongoing financial challenges that the Council faces.

ANNUAL HEALTH AND SAFETY REPORT: APRIL 2020 TO MARCH 2021

Report of the Executive Director of Corporate Services

1.0 Purpose of Report

- 1.1 A summary health and safety report is produced for Cabinet every year to review the management of health and safety at work within the Council.
- 1.2 This report refers to the period April 2020 to March 2021.

2.0 Description of Decision (Recommendations)

- 2.1 It is recommended that Cabinet note the content of the Annual Health and Safety Report: April 2020 to March 2021 and refer the report to Council for information.

3.0 Background

- 3.1 This report follows a standard format and summarises Health and Safety achievements, significant health and safety events, incidents reported to the Health & Safety Executive, Council-wide initiatives to improve health and safety performance and confirms future priorities.

4.0 Health and Safety Priorities and Achievements 2020/21

Covid-19

- 4.1 Towards the end of February and into March 2020 the Covid-19 pandemic became pronounced within the UK and Sunderland started to have confirmed cases. A collaborative team effort by many council service areas and partners, led by the Chief Executive, swiftly implemented measures to protect the public and staff within the City of Sunderland.
- 4.2 The Health and Safety team developed many guidance documents, risk assessment templates and procedures to assist managers and staff to work as safely as possible during these challenging times. The primary focus was for those who could work at home to do so and for those that couldn't to have additional controls in place to allow essential tasks to be continued, in line with a comprehensive set of risk assessments and covid secure working arrangements, under a new health and safety code of practice.

- 4.3 During this time government guidance was constantly changing meaning the swiftness of interpreting and developing appropriate guidance for our staff was paramount. As a result, new ways of working have been developed some of which will remain embedded into working practices even when the threat of Covid-19 has reduced or disappeared, and in particular, agile working.
- 4.4 The Health and Safety Team will continue to maintain focus on Covid-19 and will review risk assessments and guidance as and when necessary.

Fire Risk Assessment Process

- 4.5 Due to the unforeseen situation created by the Covid-19 pandemic and the disruption to normal working practices, the fire risk assessment schedule became impacted. Premises, especially educational settings worked hard to ensure they were Covid secure by minimising external visitors. It was decided to carry out those assessments due via a risk-based approach agreed with Tyne and Wear Fire and Rescue Service.
- 4.6 This Assurance Review of the fire risk assessment will now be undertaken at least annually and is a dynamic document to be used to assist in the process of maintaining the current fire safety measures and will be supported by trained and competent premises managers/controllers.
- 4.7 This change to process has not diluted or detracted from our responsibilities and obligations under the Regulatory Reform (Fire Safety Order) 2005 but has responded to the current situation in a pragmatic way.

Alcohol and Substance Misuse Testing

- 4.8 Alcohol and substance misuse testing, was introduced in the Council in August 2019 and has now been adopted within SCAS and TFC. Tests are carried out on the grounds of 'Reasonable Cause' (where an employee is suspected of being under the influence of alcohol or misusing drugs whilst at work).
- 4.9 Within this reporting period (April 2020 to March 2021) there has been an increase in testing where specific concerns were raised or identified; 109 tests were carried out for both alcohol and substances with 3 findings detected.
- 4.10 General feedback from those that took part in the testing was very positive and well received. The 3 cases that had findings detected were followed up with their manager in conjunction with the HR Team.

Watch Your Step - Slips, Trips, and Falls Initiative

- 4.11 February 2020 saw the start of the 'Watch your Step' initiative with articles published in the Safer Times newsletter and other corporate communication briefings. eLearning courses were finalised on the Learning Management System

5.0 Significant Health and Safety Incidents during 2020/21

Refuse Collection Vehicle Incident – April 2020

- 5.1 Whilst a refuse vehicle was turning into a rear lane an incident occurred with a rough sleeper. The incident was reported to the HSE in accordance with RIDDOR requirements.
- 5.2 The HSE made further enquiries into the incident and were assured by the actions taken. Guidance for staff has also been updated as a result of this matter.

Injury to a Member of the Public – April 2020

- 5.3 Following an injury to a member of the public on a bridleway gate a full investigation was carried out with all parties involved to determine why the gate was not locked and to identify responsibility for ongoing maintenance and checks. This was concluded and appropriate action taken.

Employee injury – July 2020

- 5.4 An employee sustained an injury whilst moving a bulky item. The Safe Working Procedure requires use of a sack barrow and tail lift for bulky items such as fridges and freezers.
- 5.5 The matter was investigated and appropriate action taken. Managers were advised to review the provision of lifting aids on all bulky waste collection vehicles. All employees who may carry out bulky refuse collection activities were to undergo a refresher toolbox talk reminding them of the requirement to use lifting aids and tail lifts and all Team Leaders are to monitor employee behaviour and take appropriate action.

School Water System – March 2021

- 5.6 Refurbishment works were carried out in a school which included water pipework.
After several months of monitoring low water temperature issues, sampling of the water system returned a positive result for legionella bacteria. The decision was taken to close the school a day early of the Easter break as a result.
- 5.7 No cases of Legionnaires disease were reported, however a RIDDOR report was submitted to the HSE as a dangerous occurrence in line with reporting procedures.

- 5.8 A full, complex, and lengthy investigation was carried out. A review of Construction Design Management procedures, contractor vetting processes and notification of works procedures is currently underway to ensure full compliance with CDM 2015 is maintained across all relevant areas.

6.0 Health and Safety Enforcement Interventions during 2020/21

Covid-19 arrangements – June 2020

- 6.1 Following an alert raised by a member of staff, HSE raised a concern regarding the activities undertaken by the Private Sector Housing Team, particularly in relation to vulnerable persons and the controls in place to protect them whilst out visiting properties or other establishments, which their role may require them to visit.
- 6.2 A detailed investigation of the alleged concerns was undertaken and a formal response was provided to the HSE. It was found that appropriate Covid secure working arrangements were in place and there has been no follow up by the HSE.

Visits to Houghton and South Hylton Depots – March 2021

- 6.3 HSE made unannounced visits to Houghton and South Hylton depots following an anonymous alert by a member of staff. A subsequent email received from the Inspector identified areas of concern regarding Traffic Management, Rats/Weils disease and Health Surveillance / Hepatitis of staff.
- 6.4 A detailed investigation and full explanation of operational procedures that are in place as well as planned remedial measures was sent to the HSE Inspector and no further action has been taken.

7.0 Council wide Health and Safety initiatives and priorities for 2021/22

Health & Safety Assurance Framework

- 7.1 The second stage of the Assurance Framework was scheduled for March 2021 however this has been suspended due to the Covid Pandemic. It will be reintroduced at an appropriate time following normal resumption of working arrangements and remains a priority for 2021/22.

Watch Your Step - Slips, Trips, and Falls Initiative

- 7.2 Although the initiative started in the previous reporting period focus shifted towards Covid19 restrictions. It will be reintroduced at an appropriate time.

Health and Safety Training for Senior Leaders and managers

- 7.3 In October and November 2020 an additional 14 senior leaders successfully completed the Institute of Occupational Safety and Health (IOSH) 'Leading Safely' qualification, which is the nationally recognised and accredited training for senior leaders. Further sessions will be rescheduled.
- 7.4 Development has also commenced on a training package for managers which will complement the IOSH Managing Safely courses some managers have already undertaken.

Display Screen Equipment (DSE), Home and Agile working

- 7.5 As we continue home and agile working our DSE management arrangements must be appropriate to support new ways of working.
- 7.6 The existing DSE Code of Practice and eLearning will be updated in line with our new working arrangements. It is anticipated that a robust electronic DSE Management System will be operational in the autumn.

Review of the Health and Safety Management System

- 7.7 Whilst our existing health and safety management system is robust and legally compliant, the Plan-Do-Check-Act principle means that constant review is essential to not only maintain compliance but to go beyond compliance and create an effective health and safety management system which improves our health and safety performance, and improves legislative awareness and compliance.
- 7.8 Following on from the progress within the last reporting period this process has already broadened with work progressing in the more high-risk work environments including City Development and the Port of Sunderland. Work has now started in Neighbourhoods with Environmental Services where a pilot reporting system of automated actions from H&S audits and fire risk assessments is also being developed. Once fully tested this will be implemented in all Directorates and service areas on a phased approach based on risk level. H&S Advisers will also meet with Assistant Directors on at least quarterly basis to assist with development of action plans and closure of actions identified via the reporting dashboards.
- 7.9 The aim is to achieve a balance between the systems and behavioural aspects of health and safety management. It will also continue to embed health and safety awareness as an integral part of the organisational culture and management systems.

Premises management and construction design management - CDM

- 7.10 Current arrangements for premises management including, premises manager/premises controller responsibilities and premises manager guidance are being reviewed.
- 7.11 With regard to CDM a working group is to be established, led by the health and safety manager, with key representatives from relevant services to review our current position, identify and agree changes required to systems, ways of working and documentation across the authority and partner organisations.

8.0 Incident Reporting and Statistics

- 8.1 A total of 975 incidents occurred in 2020/21. Of all major incidents reported, the percentage of incidents that are defined as incidents which are reportable to the HSE under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) was 7.3% for 2020/21
- 8.2 This figure has increased from last year's (2.3% for 2019/20) due to the requirement to include Covid-19 work related incidents, however, if Covid cases are removed the figure is 3.1% which is more closely aligned to the previous year.

9.0 Reason for Decision

- 9.1 A summary health and safety report is produced for Cabinet every year to provide an overview of the management of health and safety at work within the Council. This report follows a standard format, summarising significant health and safety events, incidents reported to the Health & Safety Executive, Council-wide initiatives to improve the health and safety performance system, confirms future priorities and provides the requisite assurance.

10.0 Alternative Options

- 10.1 There are no alternative options recommended.

11.0 Other Relevant Considerations/Consultations

- (i) **Financial Implications** – Any costs associated with implementing the priority actions identified for 2021/22 can be met from existing revenue budgets, should specific interventions be required then these will be considered at the appropriate time.

- (ii) **Risk Analysis** – It is not considered that a separate risk analysis is necessary. The assessment of risk is inherent in the management of health and safety and the identification of priorities for further action.
- (iii) **Legal Implications** – The provision of an annual report is a key measure in reviewing the management of health and safety at work within the Council and the Council's compliance with its legal obligations in relation to health and safety at work.
- (iv) **Policy Implications** –No additional policy implications have been identified.
- (v) **Implications for Other Services** –All services of the Council have responsibility for ensuring safe working environments and work collaboratively through the management system in place to achieve this.
- (vi) **The Public/External Bodies** – Not applicable.
- (vii) **Project Management Methodology** – Not applicable
- (viii) **Procurement** – Not applicable

10. Background Papers

10.1 Not applicable

CABINET

16 NOVEMBER 2021

UPDATE TO CONSTITUTION: ARTICLE 2, ARTICLE 15 AND COUNCIL PROCEDURE RULES

Report of Assistant Director of Law and Governance

1. Purpose of the Report

1. To seek agreement to recommend to Council proposed changes to the Constitution with respect to:
 - a) clarifying the position of Members appointed to Committees and Sub-Committees between re-election and the date of the Annual Council meeting;
 - b) authorising certain additional Officers to attest to the application of the Authority's Seal on deeds, agreements and other documents;
 - c) limiting the number of questions on notice at Council meetings to three from each political group per meeting (excluding urgent questions); and
 - d) accepting the service of notices of motion electronically.

2. Description of Decision (Recommendations)

Cabinet is requested to recommend Council to:

1. approve the proposed amendments to the Constitution as set out in the report and at Appendix 1, 2 and 3; and
2. authorise the Assistant Director of Law and Governance to amend the Constitution accordingly, including the making of any consequential amendments, stylistic or typographical changes, to ensure consistency throughout the Constitution.

3. Introduction/Background

The Council's Constitution is one of the key documents that regulates and governs the administration of the authority. The Constitution needs to be kept up to date to reflect changes in the requirements placed on the authority and to contribute to the efficient conduct of Council business.

The Constitution consists of a number of documents which together make the Constitution. This report proposes amendments to:

- Article 2 – Members of the Council: to provide clarity in relation to Members appointed to Committees following re-election until the Annual Meeting of the Council;
- Article 15 – Finance and Contract and Legal Matters: in relation to the authorisation of additional Officers to attest to the application of the Authority's Seal on deeds, agreements and other documents; and
- Part 4 Section 1 the Council Procedure Rules: in relation to the number of questions on notice that may be submitted to Council meetings and the service of notices of motion electronically.

4. Proposed Changes to the Constitution

4.1 Article 2 – Members of the Council

At each Annual Council Meeting Members are appointed to Committees and Sub-Committees. In addition, the Chairs and Vice Chairs are also appointed. Those appointments are usually expressed to last until the next Annual Council Meeting. In an election year, the Annual Council Meeting is held after the date of election. Where a Member is seeking re-election and is not returned, their membership of the Authority (and thereby any Committees, Sub-Committees and other organisations and bodies) ceases on the fourth day after the day of election. Where however an existing Member is returned, notwithstanding they may be a member of a number of Committees and Sub-Committees and they may hold the positions of a Chair or Vice Chair of such a Committee or Sub-Committee, because they are commencing a new term of office as a Councillor, there is a lack of clarity about whether those roles and responsibilities automatically continue into the new term of office up to the Annual Council Meeting, at which the appointment can be formally renewed or changed, as appropriate.

In order to put the question beyond doubt, it is proposed that the following is added to Article 2 – Members of the Council. The proposed wording to be added is as follows:

“2.02 (a) Term of Office on Committees and Sub-Committees

Subject to section 102(5) of the Local Government Act (councillor not re-elected to cease to be a member of a committee), every Councillor appointed as a voting member of such a committee or sub-committee and every Councillor appointed to exercise other functions (such as Chair or Vice Chair) in relation to a committee or sub-committee shall continue as such until the appointment is terminated by the authority.”

A track changed version of Article 2 with the amendments highlighted in red is attached at Appendix 1.

4.2 Article 15 – Finance and Contract and Legal Matters

As a consequence of increased remote/home working it is also considered prudent to authorise additional senior officers to attest the Council's Seal on deeds, agreements and other documents.

It is therefore proposed that Council be requested to authorise an amendment to the Constitution to allow, in addition to the Chief Executive, Executive Director of Corporate Services and the Assistant Director – Law and Governance, the following officers, namely the Assistant Director of Finance (Deputy Section 151 Officer), the Senior Manager – Law and Governance (Deputy Monitoring Officer) and the Specialist Lead (Commercial Law) to attest to the application of the authority's Seal on deeds, agreements and other documents.

A track changed version of Article 15 with the amendments highlighted in red is attached at Appendix 2.

4.3 Part 4 Section 1 The Council Procedure Rules

Following the Council Meeting held in June 2021 a review of the operation of Council Procedure Rule 11 – Questions by Members of the Council, was undertaken specifically in relation to circumstances whereby the Chief Executive must consider whether a question is valid and the grounds upon which a question may be rejected.

Paragraph 11.4 (b) (ii) of the Council Procedure Rules currently provides that the Chief Executive will reject a question where it “relates to a matter regarding which the Chief Executive considers it would have been reasonable for the Member to try to obtain a response to their question in the first instance from any Member referred to in Rule 11.3 (a) to (d) or an officer, before submitting notice of the question to the Chief Executive.”

At the Council meeting in June 2021 the application of this Paragraph resulted in all questions to the Council meeting submitted by Members being rejected.

Following consultation with the political group leaders, an alternative mechanism for the submission of questions to Council Meetings was trialled at the September 2021 Council Meeting. This alternative mechanism limited the number of questions to three per political group.

It is now proposed that paragraph 11.4 (b)(ii) be amended to reflect this alternative. The proposed wording of paragraph 11.4 (b)(ii) provides that the Chief Executive will reject a question where it “exceeds the limit of three questions that may be submitted by each political group for an individual council meeting (excluding urgent questions as detailed above in 11.4(a))”.

In addition to the above it is also proposed to amend paragraph 12 – Motions on Notice, to make provision within the Council Rules of Procedure for the submission of Motions on Notice via email. This provision will allow greater flexibility for Members in relation to the submission of Motions on Notice and reflects the advances in modern technology to provide for this.

It is proposed to add the following words to paragraph 12.1 “The notice may also be given by electronic mail. Where a Member wishes to give notice of motion by way of electronic mail the notice must include the names of at least two Members. If the notice is provided by electronic mail the Proposer must copy into the notice email the other Member(s) who support(s) the motion with wording confirming that each Member copied in has agreed to being a signatory to the motion. The requirement for at least two signatories to the notice of motion will be considered by the Chief Executive to have been complied with unless any Member copied into the notice email objects to being identified as a signatory within a reasonable period and the number of signatories falls below two.”

A track changed version of Part 4 Section 1 with the amendments highlighted in red is attached at Appendix 3.

5. Reasons for the Decision

The changes proposed to the Constitution are considered appropriate to keep the Constitution up to date and are reflective of the arrangements that are necessary within the Authority to assist it to operate effectively and efficiently.

6. Alternative Options

The alternative option would be to not make the proposed changes to the Constitution. This is not recommended as the changes proposed are considered to contribute to the effective and efficient conduct of Council business.

7. Relevant Considerations / Consultations

Co-operative Values – The decision proposed in the report supports and reflects the values of self-help, self-responsibility, democracy and equity.

Financial Implications – There are no direct financial implications arising from this report.

Legal Implications – There are no legal implications arising from this report.

9. List of Appendices

Appendix 1 – Proposed Article 2 of the Constitution with tracked amendments.

Appendix 2 – Proposed Article 15 of the Constitution with tracked amendments.

Appendix 3 – Proposed Council Rules of Procedure with tracked amendments.

10. Background Papers

a) The Constitution of Sunderland City Council; and

b) The Local Government Act 1972.

Article 2 – Members of the Council

2.01 Composition and Eligibility

Composition.

- (a) The Council will comprise 75 members (otherwise called Councillors). 3 members will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

Eligibility

- (b) Only registered voters of the City or those living or working there will be eligible to hold the office of Councillor.

2.02 Election and Terms of Councillors

The ordinary election of a third of all Councillors will be held on the first Thursday in May in each year, except that in 2005 and every fourth year after there will be no regular election. The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.02 (a) Term of Office on Committees and Sub-Committees

Subject to section 102(5) of the Local Government Act (councillor not re-elected to cease to be a member of a committee), every Councillor appointed as a voting member of such a committee or sub-committee and every Councillor appointed to exercise other functions (such as Chair or Vice Chair) in relation to a committee or sub-committee shall continue as such until the appointment is terminated by the authority.

2.03 (a) Key Roles – All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances.
- (iv) balance different interests identified within the ward and represent the ward as a whole;

- (v) be involved in decision-making;
- (vi) be available to represent the Council on other bodies; and
- (vii) maintain the highest standards of conduct and ethics.

(b) Rights and Duties

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members’ Code of Conduct, the Protocol on Member/Employee Relations and the Protocol for Members in Relation to Development Control Matters set out in Part 5 of this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.

Article 15 – Finance and Contracts and Legal Matters

15.01 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

15.02 Contracts

Every contract made by the Council will comply with the Procurement Procedure Rules set out in Part 4 of this Constitution.

15.03 Legal Proceedings

The Assistant Director of Law and Governance is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Assistant Director of Law and Governance considers that such action is necessary to protect the Council's interests.

15.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Assistant Director of Law and Governance or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £75,000 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by two officers authorised by the Chief Executive or Executive Director of Corporate Services or made under the seal of the Council attested by any one of the officers referred to in 15.05 below. .

15.05 Seal of the Council

The Seal of the Council will be kept in a safe place in the custody of the Assistant Director of Law and Governance. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Seal will be affixed to those documents which in the opinion of the Assistant Director of Law and Governance should be sealed. The affixing of the Seal will be attested by one of the following:
the Chief Executive;

the Executive Director of Corporate Services;
the Assistant Director of Law and Governance;
the Assistant Director of Finance;
the Senior Manager – Law and Governance
the Specialist Lead (Commercial Law).

Section 1 - Council Procedure Rules

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1. Annual Meeting of the Council

1.1 Timing and Business

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in May.

The Annual Meeting will:

- (a) elect a person to preside if the Mayor is not present;
- (b) elect the Mayor;
- (c) elect the deputy Mayor;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Mayor and/or Chief Executive;
- (f) elect the Leader where their term of office has expired;
- (g) note the decision of the Leader on the number of Members to be appointed to the Cabinet and those Members appointed by the Leader to the Cabinet and note any amendments to the arrangements for the delegation of executive functions made by them;
- (h) appoint the Overview and Scrutiny Committees, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in this Constitution);
- (i) agree amendments (if any) to the scheme of delegation (as set out in this Constitution) in respect of Council functions;
- (j) approve a programme of ordinary meetings of the Council for the year; and
- (k) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council will:

- (a) decide which committees to establish for the municipal year;
- (b) decide the size of those committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) receive nominations of Councillors to serve on each committee and outside body; and
- (e) appoint to those committees and outside bodies, except where appointment to those bodies has been delegated by the Council or is exercisable by the Cabinet or Leader.

2. Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary Meetings will:

- (a) elect a person to preside if the Mayor and deputy Mayor are not present;
- (b) receive apologies;
- (c) approve the minutes of the last meeting;
- (d) receive any declarations of interest from Members;
- (e) receive any announcements from the Mayor, Leader, Members of the Cabinet or the Chief Executive;
- (f) deal with any business from the last Council meeting;
- (g) receive petitions;
- (h) deal with questions asked by members of the public under Rule 10;
- (i) deal with questions asked by Members under Rule 11;
- (j) receive reports from the Cabinet and the Council's committees and receive questions and answers on any of those reports;
- (k) receive reports on action taken on petitions;
- (l) debate petitions required to be debated by Council;

- (m) receive reports from officers;
- (n) consider motions; and
- (o) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework and reports of the Overview and Scrutiny committees for debate.

3. Extraordinary Meetings

3.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call Extraordinary Council Meetings in addition to Ordinary Meetings:

- (a) the Council by resolution;
- (b) the Mayor;
- (c) the Monitoring Officer; or
- (d) any five members of the Council if they have signed a requisition presented to the Mayor and, within seven days of the presentation of the requisition, they have refused to call a meeting or have failed to call a meeting.

3.2 Business

3.2.1 The business to be conducted at an Extraordinary Council Meeting shall be restricted to the item of business contained in the request for the Extraordinary Council Meeting and there shall be no consideration of previous minutes or reports from Committees etc except that the Mayor may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

3.2.2 The Chief Executive may reject the business set out in the request for an Extraordinary Council Meeting on the following grounds, that it:

- (a) is not about a matter for which the Council has a responsibility or which affects the City;
- (b) is potentially defamatory, vexatious, frivolous or offensive;
- (c) refers to applications for or objections to planning permission or any licence, notice or order issued, served or made by the Council;
- (d) is substantially the same as a motion which has been put at a meeting of the Council in the past six months;

- (e) relates to individual staffing matters or the personal information of Members or Officers; or
- (f) is in some other respect considered to be out of order, illegal, irregular or improper.

3.2.3 Where business has been rejected the Chief Executive shall provide those who brought the request for the Extraordinary Council Meeting containing that business with written explanation as to the grounds and reasons for that rejection.

3.2.4 The effect of a rejection of an item of business is that the requested Extraordinary Council Meeting will not be called.

4. Time and Place of Meetings

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

5. Notice of the Summons to Meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules in this Constitution.

6. Chair of Meeting

The person presiding at the meeting may exercise any power or duty of the Mayor under the procedure rules. Where these Rules apply to committee and sub-committee meetings, references to the Mayor also include the Chair of committees and sub-committees.

7. Quorum

The quorum of an Ordinary Meeting or an Extraordinary Meeting will be one quarter of the whole number of Members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

8. Duration of Meetings

8.1 Unless the majority of Members present vote for the Meeting to continue, any Meeting that has lasted for three hours (excluding adjournments) will adjourn immediately upon the completion of any speech being made at that time.

8.2 Any business under consideration at that time shall stand adjourned and shall (together with any remaining business) be considered at a reconvened Meeting to take place at a time and date fixed by the Mayor. ¹

8.3 If the Mayor does not fix a date for the reconvened Meeting to take place, any adjourned item and the remaining business will be dealt with at the next Ordinary Meeting of Council.

¹ While the date and time of a reconvened meeting is at the discretion of the Mayor, ordinarily, reconvened meetings will commence at 11.00 a.m. the following day.

9. Receipt of Petitions

On receipt of a petition by the Council, there shall be no debate or discussion, and subject to the consent of the Council, the petition shall be referred to the relevant Chief Officer for consideration and decision about any appropriate action, subject to any relevant requirements of any Petition Scheme adopted by the Council.

10. Questions by Members of the Public

10.1 At each Ordinary Meeting of the Council (other than the Annual Meeting and Budget Council Meeting) a period of up to 30 minutes shall be available to allow questions that have been submitted by members of the public who live, work or study in the City, to be asked of the Leader of the Council or a Cabinet Member and for the relevant Member to respond.

10.2 Any person who wishes to ask a question shall give written notice of the question to the Chief Executive by noon on the fifth working day prior to the meeting. Each question must give the name and address of the questioner.

10.3 If the Chief Executive considers that the number of questions received is such that they cannot all be answered within 30 minutes, they will, after consulting with the Mayor, select those which are to be put to the Council meeting. Any question which cannot be dealt with at the meeting because of lack of time will be dealt with by a written answer to be sent within five working days of the Council meeting by the Member of whom the question was asked.

10.4 The Mayor will determine the order in which questions under this section will be put and may group together similar questions.

10.5 A question may be rejected if it:

- (a) is not relevant to a matter for which the Council has a responsibility or which affects the City;

- (b) is illegal, improper, irregular, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the previous six months;
- (d) will, if answered, disclose confidential or exempt information;
- (e) relates to a development control or licensing application;
- (f) relates to a matter or issue in respect of which a response has already been given under the Council's complaints procedure or which is currently being dealt with in accordance with the complaints procedure or other formal process, such as court or tribunal proceedings or which is the subject of threatened court or tribunal proceedings by the person asking the question or a person or group which they represent;
- (g) relates to a matter or issue of a purely personal concern to the individual asking the question or their family members;
- (h) is lengthy or a speech; or
- (i) is an unintelligible question.

10.6 If the Chief Executive considers that a question submitted may be rejected under these Rules, they will advise the Mayor, who will then decide whether to allow the question to be put. If the Mayor decides not to allow a question, their reasons will be notified to the questioner in writing.

10.7 No person may submit more than one question to any one meeting and no more than one question may be asked on behalf of an organisation at any one meeting. No question may be sub-divided into more than two related parts.

10.8 Questions that have been accepted will be read out at the relevant meeting by the Mayor.

10.9 Questions that have been accepted and the name of the questioner will be published on the Council's website.

11. Questions by Members of the Council

On reports of the Cabinet or Committees

11.1 A Member of the Council may ask the Leader or the Chair of a committee any question without notice upon an item of the report of the Cabinet or a committee when that item is being received or under consideration by the Council. with the following exceptions:

- (a) Only Members who are not Cabinet Members shall be allowed to ask Cabinet Members questions on the Cabinet report, to enable Council to hold the Cabinet to account.
- (b) Cabinet Members may only question the Leader on any matters which have not previously been considered at Cabinet.

Questions are limited to two minutes duration

- 11.2 The Mayor shall have discretion to ensure that the questions asked under Rule 11.1 are representative of the views of Members, and where, in the Mayor's belief, the questions that have already been put shall have represented the views of the Members, the Mayor shall intervene to limit further questions in order not to impede proper attention to further business.

Questions on notice at full Council

- 11.3 Subject to Rule 11.4, a Member of the Council may ask:
- (a) the Leader;
 - (b) a Member of the Cabinet;
 - (c) the Chair of any committee, a question on any matter in relation to which the Council has powers or duties or which affects the City; or
 - (d) the Member of the Council nominated to respond on behalf of the Tyne & Wear Fire and Rescue Authority, the North East Combined Authority, the Police and Crime Panel or any other joint authority, committee or panel, any question on the discharge of the functions of the relevant joint authority, committee or panel.

Notice of Questions

- 11.4 A Member may only ask a question under Rule 11.3 provided:
- (a) that notice in writing of the question has been given to the Chief Executive by noon on the fifth working day prior to the meeting or with the consent of the Mayor given on the grounds that they are of the opinion that the matter is urgent and the content of the question is given to the Chief Executive by noon on the day of the meeting; and
 - (b) the Chief Executive does not reject the question on any of the following grounds, namely that it:
 - (i) is not about a matter for which the Council has a responsibility or which affects the City;

- (ii) exceeds the limit of three questions that may be submitted by each political group for an individual council meeting (excluding urgent questions as detailed above in 11.4(a));
- (iii) is potentially defamatory, vexatious, frivolous or offensive;
- (iv) refers to applications for or objections to planning permission or any licence, notice or order issued, served or made by the Council;
- (v) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (vi) relates to individual staffing matters or the personal information of Members or officers.

Response

11.5 An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Supplementary Question

11.6 A Member asking a question under Rule 11.1 may only ask one further supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply and will be restricted to two minutes duration.

Order of Questions

11.7 The Mayor will determine the order in which questions under this section are put.

Duration of Question Time

11.8 The length of time for questions by Members under this Rule 11, including the giving of answers, shall be limited to 30 minutes in total unless the Council agrees to an extension.

Written Answers

- 11.9 Any question which cannot be dealt with because of lack of time will be dealt with by a written answer to be sent within five working days of the Council meeting by the Member of whom the question was asked.

12. Motions on Notice

Notice

- 12.1 Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by at least two Members, must be delivered to the Chief Executive not later than noon on the ninth working day before the date of the next meeting of the Council. The notice may also be given by electronic mail. Where a Member wishes to give notice of motion by way of electronic mail the notice must include the names of at least two Members. If the notice is provided by electronic mail the Proposer must copy into the notice email the other Member(s) who support(s) the motion with wording confirming that each Member copied in has agreed to being a signatory to the motion. The requirement for at least two signatories to the notice of motion will be considered by the Chief Executive to have been complied with unless any Member copied into the notice email objects to being identified as a signatory within a reasonable period and the number of signatories falls below two. The Chief Executive will date the notice, number it in the order in which it is received and will enter it in a book open to public inspection. A copy will be sent to the Leader of each political group on the Council.

Scope

- 12.2 Motions must be about matters for which the Council has a responsibility or which affect the City.
- 12.3 The Chief Executive may reject the motion on the following grounds, that it:
- (a) is not about a matter for which the Council has a responsibility or which affects the City;
 - (b) is potentially defamatory, vexatious, frivolous or offensive;
 - (c) refers to applications for or objections to planning permission or any licence, notice or order issued, served or made by the Council;
 - (d) is substantially the same as a motion which has been put at a meeting of the Council in the past six months
 - (e) relates to individual staffing matters or the personal information of Members or Officers; or

- (f) is in some other respect considered to be out of order, illegal, irregular or improper

Motions set out in Agenda

- 12.4 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

Number of Motions

- 12.5 Any Member may give notice as proposer of not more than one motion for consideration at any meeting of the full Council. The Leader of the Council and the Leader of the Main Opposition Group on the Council, if any, may give notice of more than one motion for consideration at any meeting of the full Council.

13. Motions Without Notice

The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;

- (o) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

14. Rules of Debate

- 14.1 A motion may be moved by a signatory or someone authorised on their behalf.

No speeches until motion seconded

- 14.2 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

Right to require motion in writing

- 14.3 Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to them before it is discussed.

Secunder's speech

- 14.4 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

Content and length of speeches

- 14.5 Speeches must be directed to the question under discussion or to a personal explanation or point of order. Subject to the provisions of Rule 14.13, the mover of a motion may speak for no longer than five minutes. No speech may exceed five minutes without the consent of the Mayor, who may agree an extension of up to a further three minutes.

When a member may speak again

- 14.6 A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- (a) to speak once on an amendment moved by another Member;
 - (b) to move a further amendment;
 - (c) if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
 - (d) in exercise of a right of reply;
 - (e) on a point of order; and

- (f) by way of personal explanation.

Amendments to motions

- 14.7 An amendment to a motion must be relevant to the motion and will either be:
- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words
- as long as the effect of (ii) to (iv) is not to negate the motion.
- 14.8 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- 14.9 When an amendment has been disposed of, other amendments to the original motion may be moved.
- 14.10 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 14.11 After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none and no other Member wishes to exercise the right to speak, put it to the vote.
- 14.12 No amendments to a motion or recommendation that relates to the Budget or Policy Framework may be moved unless written notice which sets out the amendment or amendments proposed has been given by the Member(s) proposing the amendment and has been delivered to the Chief Executive's Office not later than noon on the second working day before the date of the meeting. Following receipt of such notice, a copy of the notice will be circulated to all Members as soon as reasonably practicable. If the proposed amendment is carried, this Rule will not apply to any further amendment(s). If the Mayor is satisfied that for reasons of urgency or for other good reason that it is not practicable for notice to be given in accordance with this Rule, they may waive the requirement.
- 14.13 At the meeting(s) of the Council which sets the budget for the following financial year, including the Council Tax base, Council Tax levy and Capital Programme (Budget Meeting(s)), at the Mayor's discretion, each

Cabinet Member may be invited to speak on the Budget in relation to their area of responsibility. At Budget Meeting(s), the Mayor may authorise

- (a) the member moving the report of the Cabinet, when they so move it,
- (b) any Cabinet Member responding to an invitation to speak on the Budget in relation to their area of responsibility, and
- (c) the first speaker for the Main Opposition Group, when they speak for the first time to speak for up to 20 minutes each.

Each amendment shall be moved, seconded and debated in turn in the order determined by the Mayor. The Leader (or other Member moving the original motion relating to the Budget) shall have the right of reply at the end of the debate on each amendment. At the conclusion of the debate on an amendment, the amendment shall be voted on. When all amendments have been disposed of, the vote will be taken on the original/substantive motion.

Alteration of motion

- 14.14 A member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 14.15 A member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 14.16 Only alterations which could be made as an amendment may be made.

Withdrawal of motion

- 14.17 A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

Right of reply

- 14.18 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- 14.19 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

- 14.20 The mover of the amendment has no right of reply to the debate on his or her amendment.
- 14.21 In exercising a right of reply, the mover may not introduce any new matter.

Motions which may be moved during debate

- 14.22 When a motion is under debate, no other motion may be moved except the following procedural motions:
- (a) to withdraw a motion;
 - (b) to amend a motion;
 - (c) to proceed to the next business;
 - (d) that the question be now put;
 - (e) to adjourn a debate;
 - (f) to adjourn a meeting;
 - (g) to exclude the public and press in accordance with the Access to Information Rules; and
 - (h) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

Closure motions

- 14.23 A Member may move, without comment, the following motions at the end of a speech of another Member:
- (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- 14.24 If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- 14.25 If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting their motion to the vote.

- 14.26 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Duties of the Mayor of Person Presiding

- 14.27 Where, in the Mayor's belief, any debate shall already have represented the views of Members, the Mayor shall, notwithstanding that no closure motion has been moved under Rules 14.23 to 14.26, have discretion to intervene to limit any further debate in order not to impede proper attention to further business. The Mayor will have discretion to vary the order of speakers prior to limiting further debate, so that they may be satisfied that the debate has represented the views of Members, in particular that there has been reasonable opportunity for views from different political groups to be expressed.

Point of Order

- 14.28 A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the Rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the matter will be final.

Personal Explanation

- 14.29 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

15. The City Debate

Calling of debate

- 15.1 The Leader may call a City debate annually on a date and in a form to be agreed with the Mayor.

Form of debate

- 15.2 The Mayor and the Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity.

Chairing of debate

- 15.3 The debate will be chaired by the Mayor or a person nominated by the Mayor to facilitate debate.

Results of debate

15.4 The results of the debate will be:

- (a) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (b) considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year.

16. Previous Decision and Motions

Motion to rescind a previous decision

16.1 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least ten Members.

Motion similar to one previously rejected

16.2 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least ten Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16.3 This rule does not apply to a motion moved whilst the Council has before it a relevant report or recommendation of the Cabinet or the committee.

17. Voting

Majority

17.1 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

Mayor's casting vote

17.2 If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

Voting at Council Meetings

17.3 The mode of voting at meetings of the Council shall be at the discretion of the Mayor and may include by way of:

- (a) show of hands;

- (b) electronic equipment installed in the Council Chamber or the venue in which the Meeting is taking place;
 - (c) an electronic voting application or software on personal or mobile devices; or
 - (d) such other means as the Mayor considers appropriate.
- 17.4 If there is no dissent, agreement may be signalled by acclamation.
- 17.5 If there is dissent, but it is clear to the Mayor that a majority of Members are in agreement, the consent of the Meeting may be signalled by acclamation.
- 17.6 Rules 17.4 and 17.5 are without prejudice to a Member's right to have their individual vote recorded in accordance with Rule 17.13.
- 17.7 When a named vote is taken on any question at a meeting of the Council, the voting shall be recorded so as to show whether each Member present gave their vote for or against that question, provided that if a Member wishes to have an abstention from voting recorded they shall so indicate to the Mayor at the time of voting. If a majority of the Members eligible to vote present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- 17.8 Whenever a vote is about to be taken at a meeting of the Council the Chief Executive shall cause a bell to be rung in the main corridor of the Civic Suite and the vote shall not be taken for a period of one minute from the commencement of the ringing of the bell, except that a vote shall not be invalidated for breach of this standing order unless the Mayor at their sole discretion immediately after the vote has been taken so declares whereupon the vote shall be re-taken.

Voting in relation to setting the Budget

- 17.9 At a Budget decision meeting of the Council:-
- (a) Immediately after any vote is taken there must be recorded in the minutes of the proceedings of that meeting the names of the Members who cast a vote for or against the decision or who abstained from voting.
 - (b) Reference to a "Budget decision meeting" for the purposes of this Rule means a meeting of the Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, or 52ZJ of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting.

- (c) Reference to a “vote” for the purposes of this Rule are references to a vote on any decision related to the meeting or the calculation as the case may be including a vote on any amendment to a proposal.

Voting at Other Meetings

- 17.10 Unless a ballot or recorded vote is demanded under Rules 17.11 or 17.12 the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Ballots

- 17.11 The vote will take place by ballot if a majority of the Members eligible to vote at the meeting demand it. The Chair will announce the numerical result of the ballot immediately after the result is known.

Recorded vote

- 17.12 If a majority of the members eligible to vote present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

Right to require individual vote to be recorded

- 17.13 Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting on appointments

- 17.14 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

18. Minutes

Signing the minutes

- 18.1 The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record.
- 18.2 The only part of the minutes that can be discussed is their accuracy.

No requirement to sign minutes of previous meeting at extraordinary meeting.

- 18.3 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

Form of minutes

- 18.4 Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

19. Record of Attendance

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

20. Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in this Constitution or Rule 22 (Disturbance by Public).

21. Members' Conduct

Standing to speak

- 21.1 When a Member speaks at full Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

Mayor standing

- 21.2 When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

Member not to be heard further

- 21.3 If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

Member to leave the meeting

- 21.4 If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

General disturbance

- 21.5 If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

22. Disturbance by Public

Removal of member of the public

- 22.1 If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

Clearance of part of meeting room

- 22.2 If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

23. Suspension, Amendment and Interpretation of Council Procedure Rules

Suspension

- 23.1 All of these Council Rules of Procedure except Rule 17.8 and 18.3 and may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can last for the duration of an item or items of business being dealt with at a meeting or may at most be for the duration of the meeting.

Amendment

- 23.2 Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Interpretation

- 23.3 The ruling of the Mayor as to the construction or application of any of these Rules of Procedure, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

24. Declarations of Interest and Withdrawal from Meetings

A Member must withdraw from the meeting room (including from the public gallery) during the whole of the consideration of any item of business in which they have a Disclosable Pecuniary Interest, except where permitted to remain as a result of a dispensation.

25. Application to Committees and Sub-Committees

All of the Council Rules of Procedure except Rules 17.10 – 17.12 apply to meetings of full Council. None of the Rules apply to meetings of the Cabinet. Rules 4, 6 and 7, 16 - 23 (except Rule 17.3 – 17.6 and Rule 21.1) apply to meetings of committees and sub-committees.

CABINET – 16 NOVEMBER 2021

GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

REPORT OF THE EXECUTIVE DIRECTOR NEIGHBOURHOODS

1.0 PURPOSE OF THE REPORT

- 1.1 To agree revision to appendix three under the Statement of Principles under the Gambling Act 2005, (“the Act”).

2.0 DESCRIPTION OF RECOMMENDATION

- 2.1 To recommend to Council to approve the Statement of Principles in accordance with the Act which is set out at Appendix 3.

3.0 BACKGROUND

- 3.1 The Act requires all Gambling Act Licensing Authorities to prepare and publish a Statement of Principles that they propose to apply in exercising their functions with regard to gambling. The Council is a Gambling Act Licensing Authority.
- 3.2 The Council's current Statement of Principles was agreed at a Meeting of Council on the 21st November, 2018. It was published on the 31st December, 2018 and came into force on the 31st January, 2019. The Act requires this Statement to be reviewed by the Council every three years. Any revision of the Statement is subject to a consultation exercise. The parties who must be consulted are:
- The Chief Officer of Police;
 - One, or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the Council's area; and
 - One or more persons who appear to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Act.
- 3.3 On 26th April, 2021 the Licensing and Regulatory Committee authorised Officers to undertake the required consultation exercise. That consultation exercise was duly undertaken and was successfully completed.

4.0 CURRENT POSITION

- 4.1 Following the consultation exercise one response was received from Gosschalks, Solicitors, on behalf of the Betting and Gaming Council, (“the BGC”). As Members will be aware, the BGC is the single industry body for UK betting and gaming. Their response is attached at Appendix 1 and contains suggested amendments to the Draft Statement.
- 4.2 Consideration has been given to the points raised by the BGC. Reference is made to the document shown in Appendix 2. The BGC’s comments are shown in the left hand column, while Officer responses to their comments are set out in the right hand column. Some of the points made by the BGC have been accepted, with commensurate amendments being made to the Draft Statement.
- 4.3 A revised Draft Statement, amended in line with the comments contained at Appendix 2, is attached at Appendix 3.
- 4.4 At its Meeting held on 6th September, 2021 the Licensing and Regulatory Committee, having considered a report concerning the outcome of the consultation exercise on the Council’s draft Statement of Principles under the Act, resolved as follows:

That the contents of the report be noted and approval be given to the submission of the draft Statement of Principles to Council for approval under the relevant provisions of the Gambling Act 2005 at its Meeting on 17th November, 2021.

- 4.5 On 12th October 2021, the Economic Prosperity Scrutiny Committee considered a Report concerning the outcome of the consultation exercise on the Council’s draft Statement of Principles and resolved that the outcome be noted and agreed.

5.0 REASONS FOR DECISION

- 5.1 To enable the Council to comply with its statutory obligations under the Gambling Act 2005 to publish a revised Statement of Principles by the 31st December, 2021 and for it to be in force from the 31st January, 2022.

6.0 ALTERNATIVE OPTIONS

- 6.1 There are no alternative options. The Council is under a statutory duty to publish a Statement of Principles under the Act.

7.0 IMPACT ANALYSIS

- 7.1 **Equalities** – No impact
- 7.2 **Privacy Impact Assessment** - No impact
- 7.3 **Sustainability** – No impact

- 7.4 **Reduction of Crime and Disorder** – No impact. One of the objectives of the Act is “*preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime*”. The Statement of Principles takes this objective into account.

8.0 OTHER RELEVANT CONSIDERATIONS/CONSULTATIONS

- 8.1 **Financial Implications** – There are no additional financial implications arising as a result of this report.
- 8.2 **Legal implications** - The Assistant Director of Law and Governance advises that the Council is under a legal duty to publish a Statement of Principles under the Act.
- 8.3 **The Public / External Bodies** - Statutory consultees have been consulted.

9.0 LIST OF APPENDICES

- 9.1 Appendix 1 – Consultation Response – Betting and Gaming Council;
Appendix 2 – Responses to Consultation on Revised Draft Statement of Principles 2021; and
Appendix 3 – Gambling Act 2005 Revised Draft Statement of Principles.

10.0 BACKGROUND PAPERS

- 10.1 [Gambling Act 2005](#);
10.2 [Gambling Commission’s Guidance to Licensing Authorities \(5th Edition\)](#);
10.3 [Report to Licensing and Regulatory Committee – 6th September, 2021 : Gambling Act 2005 – Statement of Principles](#); and
10.4 [Report to Economic Prosperity Scrutiny Committee – 12th October, 2021: Gambling Act 2005 – Statement of Principles](#)

Appendix 1

GOSSCHALKS

BY EMAIL AND POST
Licensing Department
Sunderland City Council
Jack Crawford House
Commercial Road
SUNDERLAND SR2 8QR

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 123267.00001
#GS3942802
Your ref:
Date: 23 June 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

The BGC has four principle objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**
- **become respected as valuable, responsible and engaged members of the communities in which its members operate**
- **safeguard and empower the customer as the key to a thriving UK betting and gaming industry**

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984 W www.gosschalks.co.uk DX 11902 – Hull

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Lexcel
Legal Practice Quality Mark
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Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems. Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. These figures do not take into account the COVID 19 period which betting offices saw a further 374 betting offices close.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the draft Statement of Principles updated 15/04/2021

On behalf of the BGC, we welcome the light touch approach to the draft Statement of Principles, in particular, the early acknowledgement of the "aim to permit" principle within Part A.

A number of the references to the Gambling Commission Guidance will need to be changed. For example, the draft Statement of Principles indicates that the Gambling Commission Guidance refers to the access provisions for each premises type at paragraph 7.21 of the Gambling Commission Guidance whereas these are now to be found at paragraph 7.23.

Paragraph 1.9 of part B refers to location of premises and refers to the possibility of a specific policy with regard to areas where gambling premises should not be located. Thereafter, paragraph 1.9 appears to create a rebuttable presumption of refusal akin to a Licensing Act 2003 cumulative impact area. These references should be removed. Location will always be relevant in the context of whether a particular proposal is consistent with the licensing objectives. The potential policy referred to in the existing paragraph however is likely to be unlawful and is certainly contrary to the Section 153 "aim to permit" principle and therefore references to it and the rebuttable presumption which creates an onus on the applicant overcoming concerns should be removed.

The references to planning permission in paragraph 1.12 of part B contain an extract from paragraph 7.58 of the Gambling Commissions Guidance. This guidance has been updated with the wording to paragraph 7.58 changed.

Paragraph 6.1 of Part B refers to betting machines and the ability of the Licensing Authority to limit the number of betting machines an operator wants to offer in a betting office. This paragraph would be assisted if a clear distinction was to be made between betting machines (where the Licensing Authority can restrict numbers) and gaming machines where there is no such restriction. Section 172(8) Gambling Act 2005 authorises the holder of a betting premises licence to make available for use up to four gaming machines of category B, C or D.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP

Appendix 2

Responses to consultation on revised Draft Gambling Statement of Principles 2021

Extract from consultation response	Comments
<p>On behalf of the BGC, we welcome the light touch approach to the draft Statement of Principles, in particular, the early acknowledgement of the “aim to permit” principle within Part A.</p>	<p>Noted.</p>
<p>A number of the references to the Gambling Commission Guidance will need to be changed. For example, the draft Statement of Principles indicates that the Gambling Commission Guidance refers to the access provisions for each premises type at paragraph 7.21 of the Gambling Commission Guidance whereas these are now to be found at paragraph 7.23.</p>	<p>Noted and amendments made</p>

<p>Paragraph 1.9 of part B refers to location of premises and refers to the possibility of a specific policy with regard to areas where gambling premises should not be located. Thereafter, paragraph 1.9 appears to create a rebuttable presumption of refusal akin to a Licensing Act 2003 cumulative impact area. These references should be removed. Location will always be relevant in the context of whether a particular proposal is consistent with the licensing objectives. The potential policy referred to in the existing paragraph however is likely to be unlawful and is certainly contrary to the Section 153 "aim to permit" principle and therefore references to it and the rebuttable presumption which creates an onus on the applicant overcoming concerns should be removed.</p>	<p>Noted, and following officers' further consideration of the issue regarding location, it is proposed that Paragraph 1.9 be amended as follows:-</p> <p>The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder.</p> <p>With regards to these objectives it is the council's policy, upon receipt of any relevant representations, to look at specific location issues including:</p> <ul style="list-style-type: none"> • the possible impact a gambling premises may have on any premises that provide services to children or young people, for example a school, or vulnerable adult centres in the area • the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children • the size of the premises and the nature of the activities taking place • any levels of organised crime in the area. <p>In order for location to be considered, the council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives.</p> <p>Although the council cannot consider if there is a need or demand for the gambling facilities applied for, applicants should consider the proximity of other gambling premises in the Local Risk Assessment and the impact this will have on residents, including children and other vulnerable groups</p>
<p>The references to planning permission in paragraph 1.12 of part B contain an extract from paragraph 7.58 of the Gambling Commissions Guidance. This guidance has</p>	<p>Noted and Paragraph 1.12 amended to take account of the amended guidance.</p>

<p>been updated with the wording to paragraph 7.58 changed.</p>	
<p>Paragraph 6.1 of Part B refers to betting machines and the ability of the Licensing Authority to limit the number of betting machines an operator wants to offer in a betting office. This paragraph would be assisted if a clear distinction was to be made between betting machines (where the Licensing Authority can restrict numbers) and gaming machines where there is no such restriction. Section 172(8) Gambling Act 2005 authorises the holder of a betting premises licence to make available for use up to four gaming machines of category B, C or D.</p>	<p>Noted, and following officers' further consideration of this point, it is proposed that a new Paragraph 6.2 entitled gaming machines be introduced to contain information as follows:-</p> <p>Gaming machines</p> <p>Holders of Betting Premises licences may make available for use up to four gaming machines of category B,C or D.</p> <p>Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable people.</p>

Appendix 3

Gambling Act 2005

Statement of Principles

Draft updated 18/08/2021

Part A

1. The licensing objectives

1.1 Sunderland City Council is designated as a Licensing Authority under the Gambling Act 2005. In exercising most of its functions under that Act, the Council must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

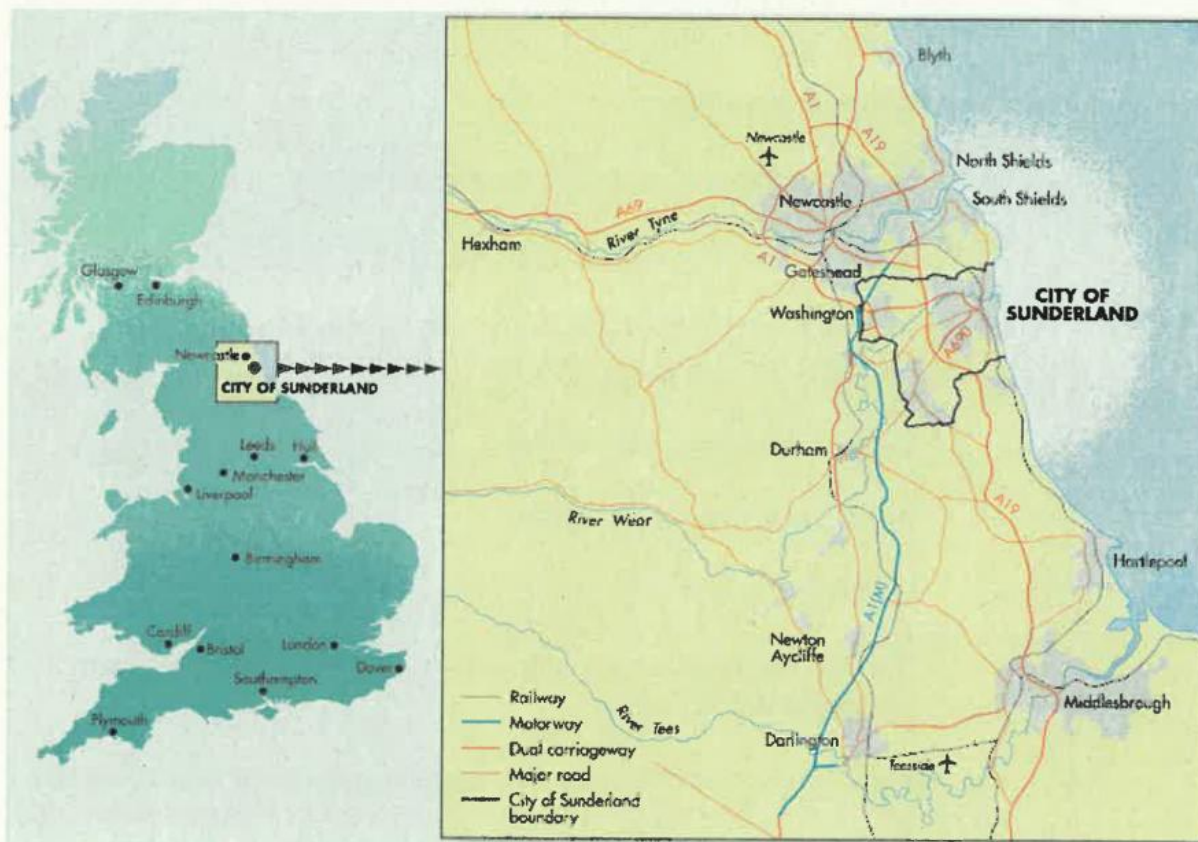
1.2 It should be noted that the Gambling Commission has stated: 'The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling'.

1.3 The Council is aware that, in accordance with Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Council's statement of principles.

2. Introduction

- 2.1 The City of Sunderland has a population of 277,705 according to the Office of National Statistics mid-year estimate for 2019 and is situated on the north east coast of England. In terms of area, it covers approximately 137 square kilometres (13,700 hectares) and is mainly urban in character. Its location is shown in the map below.



- 2.2 The Council is required by the Gambling Act 2005 to publish a statement of the principles which it proposes to apply when exercising its functions under the Act. This statement is required to be published before each successive period of three years. The statement must also be reviewed from 'time to time' and any revision consulted upon. Any revised statement must be then published before it may have effect.
- 2.3 The Council consulted widely upon this statement before its publication. A list of those persons consulted is provided below.
- 2.4 The Gambling Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the

authority's area; and

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

2.5 In formulating this statement of principles, the Council has sought the views of:

- Northumbria Police;
- Tyne and Wear Fire and Rescue Service;
- Sunderland City Council, Development Control Section;
- Sunderland City Council, Public Protection and Regulatory Services (Environmental Health);
- Safer Sunderland Partnership;
- Betting and Gaming Council
- GamCare; and
- Various representatives of the gambling trade and premises licensees in the City.

2.6 This statement of principles was approved at a meeting of the Council on XX and was published on XX. The Statement of Principles will have application for the three year period commencing on 31 January 2022. Copies are available by request to:

Sunderland City Council,
Public Protection and Regulatory Services,
Licensing Section,
Jack Crawford House,
Commercial Road,
Sunderland
SR2 8QR

or via e-mail: licensing@sunderland.gov.uk

2.7 Should you have any comments with regard to this statement of principles please send them via letter to:

Sunderland City Council,
Public Protection and Regulatory Services,
Licensing Section,

Sunderland City Council Statement of Principles

Jack Crawford House,
Commercial Road,
Sunderland
SR2 8QR

or via e-mail: licensing@sunderland.gov.uk

- 2.8 It should be noted that this statement of principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

- 2.9 This statement is in line with and will contribute to the Safer Sunderland Partnership's strategic priorities which are to:

1. Prevent crime and disorder, re-offending and maintain high levels of feelings of safety
2. Protect and support our most vulnerable people and places from harm

3. Declaration

- 3.1 In producing this statement of principles, Sunderland City Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission (the 'Gambling Commission's Guidance'), and any responses from those persons consulted on this statement of principles. If and when the Gambling Commission's guidance is revised the Council may consider it necessary to review this statement.

4. Responsible authorities

- 4.1 The Council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Council about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the Council's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 4.2 In accordance with the Gambling Commission's Guidance the Council designates the Sunderland Safeguarding Children Board for this purpose.
- 4.3 The contact details of all the responsible authorities under the

Gambling Act 2005 are available from the Licensing Section via e-mail at licensing@sunderland.gov.uk

5. Interested parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in Section 158 of the Gambling Act 2005 as follows:

‘For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)’

- 5.2 The Council is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance at paragraphs 8.11 to 8.17. It will also consider the Gambling Commission’s Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or MP represents the ward likely to be affected. Likewise, Hetton Town Council, if its area is likely to be affected, will be considered to be an interested party. Other than these parties however, the Council will generally require written evidence that a person or body (e.g. an advocate or relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be sufficient.

- If individuals wish to approach Councillors to ask them to represent their views, care should be taken that the Councillors are not part of the Licensing Committee. Details of which Councillors sit on that Committee are available from the Licensing Section.

6. Exchange of information

- 6.1 The Council is required to include in its statement the principles it will apply in exercising its functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that the Council will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulations will not be contravened. The Council will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

7. Enforcement

- 7.1 The Council is required by the Gambling Act 2005 to state the principles to be applied by the Council in exercising its functions under Part 15 of the Act with respect to the inspection of premises and its use of the powers available under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 The Council's principles are that:
- It will be guided by the Gambling Commission's Guidance and will endeavour to be:
 - **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs minimised;
 - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 - **Consistent:** rules and standards must be implemented fairly;
 - **Transparent:** regulators should be open; and

- **Targeted:** regulation should be focused on the problem and seek to minimise side effects.
 - In accordance with the Gambling Commission's Guidance the Council will endeavour to avoid duplication with other regulatory regimes so far as possible.
 - The Council has adopted and implemented a risk-based inspection programme based on;
 - The licensing objectives;
 - Relevant codes of practice;
 - Guidance issued by the Gambling Commission; in particular at Part 36; and
 - The principles set out in this statement.
 - The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences. It should be noted that concerns about the manufacture, supply or repair of gaming machines are not dealt with by the Council but will be notified to the Gambling Commission.
 - The Council will also keep itself informed of developments with regard to the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities.
 - Bearing in mind the principle of transparency, the Council's enforcement policy is available upon request to the Licensing Section.
- 7.3 The Council recognises that certain operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to notify the Council of a single named point of contact, who should be a senior individual. The Council may contact this person first should any compliance queries or issues arise.

8. Licensing authority functions

8.1 The Council in its role as the licensing authority is required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences;
- issue provisional statements;
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via the issuing of club gaming permits and/or club machine permits;
- issue club machine permits to commercial clubs;
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- receive notifications of the use of two or fewer gaming machines from premises licensed for the sale of alcohol under the Licensing Act 2003;
- issue licensed premises gaming machine permits for premises licensed under the Licensing Act 2003 to sell/supply alcohol for consumption on the premises where there are more than two machines;
- register small society lotteries below prescribed thresholds;
- issue prize gaming permits;
- receive and endorse temporary use notices;
- receive occasional use notices;
- provide information to the Gambling Commission regarding details of licences issued (see Section 6 above on Exchange of information); and
- maintain registers of the permits and licences that are issued under these functions.

8.2 It should be noted that the Council is not involved in licensing remote gambling. This is the responsibility of the Gambling Commission by means of operating licences.

Part B - Premises licences

1. General principles

- 1.1 Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations thereunder, including specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. However, the Council is able to exclude default conditions and also attach others, where evidence supports the need.

Decision making

- 1.2 The Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Council's statement of principles.

- 1.3 It is appreciated that, in accordance with the Gambling Commission's Guidance, 'moral objections to gambling are not a valid reason to reject applications for premises licences' and also that unmet demand is not a criterion for a licensing authority.

- 1.4 **Definition of 'premises'** - In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow discrete premises licences to be obtained in respect of large, multiple unit premises such as a pleasure park, pier, track or shopping mall, where appropriate safeguards are in place. However, the Council will pay particular attention if there are issues about sub-divisions of a single building or plot and will seek to ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance that: "In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises

licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

1.5 The Council takes note also of the Gambling Commission's Guidance which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, the Guidance states that licensing authorities should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

1.6 The Guidance also states that factors about which a licensing authority should be aware in making a decision include:

- Whether the premises have separate registration(s) for business rates;
- Whether the premises neighbouring the premises in respect of which a licence is sought are owned by the same person or someone else;
- Whether each of the premises may be accessed from the street or a public passageway; and

- Whether the premises may only be accessed from any other gambling premises.
- 1.7 The Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.
- 1.8 The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street (as defined at paragraph 7.23 of the Guidance);
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons; and
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult gaming centres

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting shops

- Access must be from a street (as defined at paragraph 7.23 of the Guidance) or from another premises with a betting premises licence; and
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect, there cannot be an entrance to a betting shop from a shop of any kind and there may not be a betting shop at the back of a café – the whole area would be required to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino; or
 - an adult gaming centre.

Bingo premises

- No customer must be able to access the premises directly from:

- a casino;
- an adult gaming centre; or
- a betting premises, other than a track.

Family entertainment centres

- No customer must be able to access the premises directly from:
 - a casino;
 - an adult gaming centre; or
 - a betting premises, other than a track.

Part 7 of the Gambling Commission's Guidance contains further guidance on this issue, which this Council will also take into account in its decision-making.

1.9 Location

The Council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Council will pay particular attention to the protection of children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder.

With regards to these objectives it is the Council's policy, upon receipt of any relevant representations, to look at specific location issues including:

- the possible impact a gambling premises may have on any premises that provide services to children or young people, for example a school, or vulnerable adult centres in the area
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
- the size of the premises and the nature of the activities taking place
- any levels of organised crime in the area.

In order for location to be considered, the Council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives.

Although the Council cannot consider if there is a need or demand for the gambling facilities applied for, applicants should consider the proximity of other gambling premises in the Local Risk Assessment and the impact this will have on residents, including other vulnerable groups.

1.10 Local Risk Assessment

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Part II Section 10, that licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP goes on to say that licensees must review (and update as necessary) their local risk assessments:

- To take account of significant changes in local circumstances, including those identified in this policy;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- When applying for a variation of a premises licence; and
- In any case, undertake a local risk assessment when applying for a new premises licence.

The Council will expect the local risk assessment to consider as a minimum:

- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The location of services for children such as schools, playgrounds, leisure centres and other areas where children will gather;
- Nearby substance misuse or mental health support facilities; and

Information about these issues is available in our Local Area Profile as referenced at Section 1.11.

In any case, the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include are:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of the premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, details of the supervisory and monitoring arrangements when that person is

absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.

- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include the employment of dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and the content of advertisements.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision that the Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

1.11 Local Area Profile

Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Council has published a local area profile. This profile can be obtained from (insert web link).

The local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profile, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent Licensing Sub-Committee when they determine an application in respect of which representations have been received.

The Council recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

1.12 Planning

The Gambling Commission's Guidance states, at paragraph 7.58, that:

'In determining applications the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant

obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them."

1.13 Duplication with other regulatory regimes

The Council will seek to avoid any duplication with other statutory regulatory systems where possible, including planning. The Council will not consider whether premises for which a licence application has been submitted are likely to be awarded planning or building consent. The Council will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with an application for a premises licence in respect of a finished building, the Council will not take into account whether that building is in compliance with any necessary planning or building consent. Fire or health and safety risks will not be taken into account also, as these matters are dealt with under relevant planning control, building and other regulations and must not form part of the consideration of a premises licence.

1.14 Licensing objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Gambling Commission's Guidance and our comments are made below.

1.15 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does, however, envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, should an area be known to have high levels of organized crime (which is not the case in any part of the Council's area), the Council would consider

carefully whether gambling premises are suitable to be located there and whether conditions may be necessary such as the provision of door supervisors. The Council is aware of the distinction between disorder and nuisance and would consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

1.16 Ensuring that gambling is conducted in a fair and open way

The Council has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. The Council has, however, more of a role with regard to tracks which is explained in more detail in Section 7 below.

1.17 Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Council has noted that the Gambling Commission's Guidance states that this objective means preventing children from taking part in gambling (as well as the restriction of advertising so that gambling products are not aimed at, or are, particularly attractive to children). The Council will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances and machines, segregation of areas etc.

1.18 The Council is also aware of the Codes of Practice which the Gambling Commission issues with regard to this licensing objective, in relation to specific premises such as casinos.

1.19 With regard to the term 'vulnerable persons', it is noted that the Gambling Commission does not seek to offer a definition but states that 'it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, learning disability, alcohol or drugs.' The Council will consider this licensing objective on a case by case basis.

1.20 Conditions

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence

requested;

- fairly and reasonably related to the scale and type of the premises; and
- reasonable in all other respects.

1.21 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Council will consider utilising should the weight of evidence demonstrate a need, such as the use of door supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The Council will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

1.22 The Council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances, the segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises. These matters are in accordance with the Gambling Commission's Guidance.

1.23 The Council will also seek to ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply, among other premises, to buildings where multiple premises licences are in use.

1.24 The Council is aware that tracks may be subject to one or more than

one premises licence, provided that each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, the Council will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

1.25 It is noted that there are conditions which the Council cannot attach to premises licences. These are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body is required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

1.26 Door supervisors

The Gambling Commission advises in its Guidance that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example, by children and young persons) it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition to this effect upon a premises licence.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether such supervision is provided by Security Industry Authority (SIA) licensed personnel will be necessary. It will not be automatically assumed that such personnel need to be licensed, as the statutory requirements for different types of premises vary (as described by the Gambling Commission's Guidance, Part 33).

2. Adult gaming centres

2.1 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy it that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

2.2 The Council expects applicants to offer their own measures to

meet the licensing objectives. Appropriate measures or licence conditions may cover issues such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes; and
- Provision of information leaflets and/or helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family entertainment centres

3.1 The Council will have regard specifically to the need to protect children and vulnerable persons from harm or being exploited by gambling and expects the applicant to satisfy it that there will be sufficient measures taken to ensure, for example, that under 18 year olds do not have access to the adult only gaming machine areas.

3.2 The Council expects applicants to offer their own measures to meet the licensing objectives. Appropriate measures or licence conditions may cover issues such as

- CCTV;
- Supervision of entrances and machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;

- Self-exclusion schemes;
- Provision of information leaflets and/or helpline numbers for organisations such as GamCare; and
- Measures and training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 3.3 The Council will, in accordance with the Gambling Commission's guidance, refer to the Commission's website to consider any conditions applying to operating licences which cover the way in which the area containing the category C machines should be delineated. The Council will also take account of any mandatory or default conditions on such premises licences.

4. Casinos

- 4.1 **No casinos resolution** - The Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this statement of principles with details of that resolution.

5. Bingo premises

- 5.1 The Council notes that the Gambling Commission's Guidance states at paragraphs 18.5 to 18.7:

'Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This is a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.'

Under the Act, children and young persons (anyone up to the age of 18) cannot be employed in providing any facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines. Licensing authorities are able to find information about the restrictions that apply in Licence Conditions and Codes of Practice (LCCP).

Children and young people are allowed into bingo premises. However,

they are not permitted to participate in the bingo and, if category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

6. Betting premises

6.1 Betting machines – The Council will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number, nature and circumstances of betting machines an operator wants to offer.

6.2 Gaming machines – Holders of Betting Premises licences may make available for use up to four gaming machines of category B,C or D.

Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable people.

7. Tracks

7.1 The Council is aware that tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, the Council will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

7.2 The Council therefore expects applicants for premises licences to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

7.3 The Council expects applicants to offer their own measures to, meet the licensing objectives. Appropriate measures or licence conditions may cover issues such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances and machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes; and
- Provision of information leaflets and/or helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

7.4 Gaming machines

Where the applicant holds a pool betting operating licence and uses the entitlement to four gaming machines, machines (other than category D machines) should be located only in areas from which children are excluded.

7.5 Self Service Betting Terminals

The Council will, in accordance with paragraph 19.9 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of Self Service Betting Terminals an operator proposes to offer.

7.6 Applications and plans

The Gambling Act (Section 151) requires applicants to submit plans of the premises with their application, in order to ensure that a licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan may also be used by licensing authorities to plan future premises inspection activity. (See the Gambling Commission's Guidance, paragraph 20.43).

- 7.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See the Gambling Commission's Guidance, paragraph 20.44).
- 7.8 The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with identifying exact locations for some types of track. Applicants should provide sufficient information to enable the Council to satisfy itself that the plan indicates the main areas where betting might take place. (See the Gambling Commission's Guidance, paragraph 20.46)

8. Travelling fairs

- 8.1 It will fall to the Council to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 8.2 The Council will also consider whether the proposed activities of the applicant fall within the statutory definition of a travelling fair.
- 8.3 The Council notes that the 27-day statutory maximum for land being used as a fair applies on a per calendar year basis, and applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional statements

- 9.1 Developers may wish to apply to the Council for a provisional statement before entering into a contract to buy or lease property or land in order to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for an applicant to hold an operating licence in order to apply for a provisional statement.
- 9.2 Section 204 of the Gambling Act allows a person to make an application to a licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or

- expects to acquire a right to occupy.
- 9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as when applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 9.4 In contrast to an application for a premises licence, an applicant for a provisional statement does not need to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not need to have a right to occupy the premises in respect of which their provisional application is made.
- 9.5 The holder of a provisional statement may apply for a premises licence once the premises are constructed, altered or acquired. The Council will be constrained in the matters it can consider when determining the premises licence application, and, in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
- 9.6 In addition, the Council may refuse a premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the Council's opinion reflect a change in the operator's circumstances; or
 - where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and the Council may discuss any concerns it has with the applicant before making a decision.

10. Reviews

- 10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, the Council will decide whether a review is to be undertaken. This will be on the basis of whether the request for the review is in accordance with the

considerations listed below:

- any relevant Code of Practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;
- reasonable consistency with the licensing objectives; and
- the Council's statement of principles.

- 10.2 The request for the review will also be subject to consideration by the Council as to whether it is frivolous, vexatious, or whether it will certainly not cause the Council to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 10.3 The Council can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 10.4 Once a valid application for a review has been received by the Council, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins seven days after the application was received by the Council. The Council will publish notice of the application within seven days of receipt.
- 10.5 The Council must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 10.6 The purpose of the review will be to determine whether the Council should take any action in relation to the licence. If action is justified, the options open to the Council are to:
- a) add, remove or amend a licence condition imposed by the Council;
 - b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - c) suspend the premises licence for a period not exceeding three months; or
 - d) revoke the premises licence.
- 10.7 In determining what action, if any, should be taken following a review, the Council must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.

- 10.8 In particular, the Council may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 10.9 Once the review has been completed, the Council must, as soon as possible, notify its decision to:
- the licence holder;
 - the applicant for review (if any);
 - the Commission;
 - any person who made representations;
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs.

Part C

Permits, temporary and occasional use Notices

1. Unlicensed family entertainment centre (FEC) gaming machine permits (Statement of principles with regard to permits – Schedule 10, Paragraph 7 of the Act)

- 1.1 It is possible to apply to the Council to provide gaming machines where no premises licence is held. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and, in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission under Section 25. The Gambling Commission's Guidance also states: 'In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising their functions in considering applications for permits...., licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group.... a plan for the unlicensed FEC must be submitted.' (paragraph 24.8)
- 1.3 The Guidance also states: '...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....' The licensing authority may also consider asking applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's;
 - that the applicant has no relevant convictions (these are set out in Schedule 7 of the Act); and
 - that employees are trained to have a full understanding of the maximum stakes and prizes. (paragraph 24.9)

It should be noted that the Council cannot attach conditions to this type of permit.

- 1.4 **Statement of principles** - The Council expects applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The effectiveness of

such policies and procedures will each be considered on their merits. However, they may include appropriate measures and training for staff with regard to suspected truant school children on the premises, measures and training covering how staff would deal with unsupervised very young children being on the premises, or where evidence demonstrates children causing problems on or around the premises. The Council will also expect, in accordance with the Gambling Commission's Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's; that the applicant has no relevant convictions (these are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits – (Schedule 13, Paragraph 4(1) of the Act)

Automatic entitlement: two machines

2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically be able to have two gaming machines of categories C and/or D. The operator of the premises merely needs to notify the Council. The Council can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has not been provided to the Council, the prescribed fee has not been provided or that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

Permits: three or more machines

2.2 If an operator of a premises wishes to have more than two machines, it is necessary to apply for a permit and the Council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and 'such matters as they think relevant.' This Council considers that 'such matters' will be decided on a case by case basis. However, generally, the Council will consider the need to protect

children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy it that there will be sufficient measures taken to ensure that under 18 year olds do not have access to adult only gaming machines. Measures which may satisfy the Council that there will be no access may include the locating of adult machines in sight of the bar, or in the sight of staff that will ensure that the machines are not being used by those under 18. Notices and signage may also be of help. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

- 2.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with, as an adult gaming centre premises licence.
- 2.4 It should be noted that the Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.
- 3. Prize gaming permits – (Statement of principles with regard to permits - Schedule 14 Paragraph 8 (3) of the Act)**
- 3.1 The Gambling Act 2005 states that licensing authorities may 'prepare a statement of principles that they propose to apply in exercising their functions under this Schedule' which 'may, in particular, specify matters that the authority proposes to consider in determining the suitability of the applicant for a permit'.
- 3.2 The Council has prepared a statement of principles in this regard. These state that an applicant should set out the types of gaming that is intended to be offered and that the applicant should be able to demonstrate:
- an understanding of the limits to stakes and prizes that are set out in regulations;
 - that the gaming offered is within the law; and
 - clear policies that outline the steps to be taken to protect children from harm.
- 3.3 In making its decision on an application for a permit the Council does not need to have regard to the licensing objectives but must have

regard to any Gambling Commission guidance.

- 3.4 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the Council cannot attach conditions to permits. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, which must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if a non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club gaming and club machine permits

- 4.1 Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. A club gaming permit will enable the premises to provide gaming machines (up to three machines of categories B, C or D), equal chance gaming (see Section 269 of the Act) and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (up to three machines of categories B3A, B4, C or D).
- 4.2 The Gambling Commission's Guidance states: 'Members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is restricted to bridge and whist. A members' club must be permanent in nature, but there is no need for a club to have an alcohol licence'
- 4.3 The Commission's Guidance also notes that 'licensing authorities may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - the applicant's premises are used wholly or mainly by children and/or young persons;
 - an offence under the Act or a breach of a permit has been

committed by the applicant while providing gaming facilities;

- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police'.

4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12, Paragraph 10). As the Gambling Commission's Guidance states: 'Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which a licensing authority can refuse a permit are reduced.' and 'The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under Schedule 12;
- that, in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.'

4.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary use notices

5.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

5.2 A temporary use notice may be given by a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

5.3 The Secretary of State has the power to determine what forms of gambling can be authorised by temporary use notices. The relevant regulations (SI no. 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner. This, in

practice, means poker tournaments.

- 5.4 There are a number of statutory limits with regard to temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission's Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act, "premises" is defined as including "any place".
- 5.5 In considering whether a place falls within the definition of "a set of premises", the Council will look at, among other things, the ownership/occupation and control of the premises.
- 5.6 The Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance.

6. Occasional use notices

- 6.1 The Council has very little discretion with regard to these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. However, the Council, with regard to relevant premises, will consider the definition of a 'track' and whether any applicant is permitted to avail him/herself of the notice.

This statement can be made available in large print, Braille, audio and other languages.

Please contact the Licensing Section on 0191 520 5550

or email licensing@sunderland.gov.uk for assistance.

Report of the Audit and Governance Committee

THE AUDIT AND GOVERNANCE COMMITTEE reports and recommends as follows.

1. Annual Report on the work of the Audit and Governance Committee 2020/21

That the Audit and Governance Committee have given consideration to a report by the Assistant Director of Business and Property Services (copy attached) on the work of the Audit and Governance Committee during 2020/21, demonstrating how they have fulfilled their delegated responsibilities.

Accordingly, the Committee recommends Council to note the Annual Report on the Work of the Audit and Governance Committee 2020/21.

ANNUAL REPORT ON THE WORK OF THE COMMITTEE 2020/21

Report of the Assistant Director of Business and Property Services

1. Purpose of Report

- 1.1 This report provides a summary of the work undertaken by the Audit and Governance Committee during 2021/21 and the outcome of this work. The purpose of this report is to demonstrate how the Committee has fulfilled its role and will be presented to Council once agreed by this committee.

2. Role of the Committee

- 2.1 The Audit and Governance Committee is a key component in the Council's Corporate Governance Arrangements. Its role is to:
- approve the Authority's Statement of Accounts, income and expenditure, and balance sheet or record of receipts and payments (as the case may be);
 - consider the effectiveness of the authority's corporate governance arrangements, risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements and seek assurance that action is being taken on risk-related issues identified by auditors and inspectors;
 - be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it;
 - receive, consider and monitor reports on treasury management policy, strategy and practices.

3. Matters Considered

- 3.1 The Committee planned for April 2020 was cancelled due to the Covid pandemic and the introduction of a lockdown in March 2020. The Committee subsequently met in July and October 2020 and February 2021 during which it considered all of the expected business for the year. Although the meetings were held remotely via Microsoft Teams all appropriate officers of the Council have been in attendance at the meetings to present reports and provide additional information in order to clarify issues and respond to questions from members of the Committee. Regular attendees at the meetings were the Executive Director of Corporate Services, Assistant Director of Business and Property Services, Chief Accountant, Senior Manager - Assurance and the Council's External Auditors.

3.2 To enable the Committee to fulfil its role as set out in paragraph 2.1, a range of reports were considered, as follows:

- a) The Committee asked for updates in relation to the Council's financial position due to the additional expenditure required to deal with the Covid pandemic and how this was being funded by Government.
- b) The Committee endorsed the Risk and Assurance Map for 2020/21 which sets out the key risk areas for the Council, the assurance that would be gathered in relation to them and where the assurance would be sought from. The report included the plans of work for the year for the Internal Audit and Risk and Assurance teams, and the performance indicators for Internal Audit. The Committee was also given the opportunity to identify any areas of work to be considered for the year.
- c) Progress reports in relation to the Risk and Assurance Map were presented to the Committee. These provided details of the level of assurance for the strategic and corporate risk areas from management, specialist assurance functions, Internal Audit, Risk and Assurance, the external auditor and other external agencies. The Risk and Assurance Map was refreshed through the year to reflect changes made to the City Plan, which resulted in updates to the Strategic Risk Areas.
- d) Members discussed the updates to the strategic risks in light of the Covid pandemic and the reliance placed on external factors such as the track and trace system impacting on the ability to control the outbreak.
- e) Specific key issues were highlighted within the Risk and Assurance Map update reports for members to consider further, specifically in relation to the improvement of the financial management arrangements within Together for Children Sunderland Limited (TfC). The Executive Director of Corporate Services confirmed that the working relationship between the Council and the Company was effective and the financial position was continuing to improve over time.
- f) Queries were also raised regarding how the National Fraud Initiative worked and the arrangements for working with other organisations as part of this.
- g) External Auditors provided progress reports to each meeting, the Annual Audit Letter, Audit Completion report, and the Review of the Council's arrangements for securing value for money. These reports provided a very positive opinion and members of the committee commented that they found the reports to be re-assuring. The External Auditor also presented their Audit Strategy Memorandum setting out their work for the coming year.

- h) The results of the Annual Governance Review for 2019/20 were presented, which summarises the overall governance arrangements in place within the Council, and made recommendations for further improvement. The head of internal audit's opinion on the Council's internal control environment was positive. The resultant Annual Governance Statement highlighted the good corporate governance arrangements in place, apart from those improvements being made in relation to Children's Safeguarding and was approved by the Committee and included within the Council's Statement of Accounts.
- i) The annual Statement of Accounts 2019/20 (subject to audit) was issued to the Committee members and published online on 30th June 2020 in line with the extended statutory deadline due to the Covid pandemic. The audited accounts were presented at the October 2020 Committee meeting. The External Auditor commented positively on the arrangements the Council has in place with regard to the production of the accounts and the good relationship which allowed the audit to be completed within the restricted timeframe.
- j) The Committee received reports in relation to the Council's Treasury Management arrangements to receive assurance that they are appropriate and approved the Treasury Management Policy and Strategy. The Committee asked questions in relation to various aspects of the reports.
- k) Included within the Risk and Assurance Map update reports the Committee was provided with information regarding the areas of counter fraud work undertaken and the results of this work. Queries were raised in relation to counter fraud work undertaken in relation to the discretionary business grants processed by the Council.
- l) The Committee received the Data Protection Annual Report 2019/20 which will be reported to the Committee on an annual basis moving forward. Members asked questions in relation to the arrangements in place.

3.3 From the reports presented the Committee has been proactively monitoring activity in a number of important areas, as follows:

- *Risk and Assurance Map* – The Committee closely monitored activity in relation to the impact of Covid on the Council's strategic risks
- *Treasury Management* – The Committee has received regular updates regarding the Council's performance in relation to Treasury Management.
- *Internal Audit* - The Committee has received assurance that Internal Audit had been able to give an opinion on the control arrangements in place due to the integrated assurance arrangements in place although a full audit programme had not been completed due to the Covid pandemic.

- 3.4 It can be seen that the work of the committee is wide ranging with members monitoring performance more closely in those areas where it was deemed appropriate, including the impact of the Covid pandemic.

4. Recommendation

- 4.1 The Committee is asked to consider the report and provide any comments for inclusion prior to the report being presented to Council.

Action on Petitions

ACTION TAKEN ON PETITIONS

Council Members are asked to note the action taken in relation to the under-mentioned petition which was presented to Council:-

(i) Petition – Chester Road – Pedestrian Crossing

A petition signed by 354 residents was received at the Council meeting on 23rd June 2021 from Councillor Paul Edgeworth. The statement on the petition sheet was as follows:-

“We the undersigned call on Sunderland Council to create a safe, ground-level pedestrian crossing at Hastings Hill so people do not need to use the existing subway to cross Chester Road.”

As stated in the petition there is currently a subway located between Hastings Hill and Pennywell close to the new Aldi Development that runs beneath Chester Road providing a vehicle free, safe and grade separated crossing facility.

The speed limit on the A183 was recently reduced to 30 mph along the dual carriageway and a signalised junction to the Chester Gate housing development which helps to slow vehicles on this road and provide an additional crossing facility for residents and users at this location.

The lighting in the subway was replaced last year with new LED ECO SAFELIGHT fittings designed to provide a robust lighting solution achieving the required lighting standard for the subway. The lighting units are maintained, inspected and cleaned every 2 years however our contractor will respond if any are damaged in the meantime.

In terms of surrounding street lighting, there have been no reports of outages recently, these units are checked at night monthly with faults being responded to within 5 working days. The only exception to this is if there is an electrical supply fault requiring intervention from Northern Power Grid.

Officers are currently reviewing all subways across the City which will include the subway on Chester Road. Any changes considered will be subject to the consultation process. This petition will be forwarded to the relevant officers for consideration when they undertake the subway review.

Reports

COUNCIL

17 NOVEMBER 2021

Update on Special Urgency Decisions

Report of the Leader

The Council's Constitution requires that a quarterly report be submitted to Council on executive decisions which have been taken as a matter of special urgency. The relevant provisions are now contained in Regulations 11 and 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

These are the special urgency provisions under which key decisions may be taken by the executive, although not contained in the 28 day Notice of Key decisions (whether proposed to be taken in public or private), where compliance with Regulation 10 (the general exception) was also impracticable.

There have been no such instances since the last report.

Recommendation

That the Council notes the content of this report.

COUNCIL

17 NOVEMBER 2021

APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES

REPORT OF THE ASSISTANT DIRECTOR OF LAW AND GOVERNANCE

1.0 Introduction and Background

- 1.1 The purpose of this report is to inform Council that no changes are required to the allocation of Committee seats between political groups as a result of the Hetton by-election, however approval is sought to a number of proposed changes to various committees and outside bodies, unrelated to the outcome of the by-election.
- 1.2 The full list of appointments to committees and outside bodies will be published on the Council's website in the Year Book at <https://www.sunderland.gov.uk/committees/cm55/PublicDocuments.aspx> following the meeting.

2.0 Changes to Appointments on Committees

- 2.1 A review of the political balance of the Council to ensure places on Committees are allocated in accordance with the relevant statutory requirements has been undertaken, following the recently held by-election in the Hetton ward, at which Councillor Iain Scott was elected. Councillor Scott has joined the Labour group on the Council and members are advised that no change to the allocation of seats between the political groups is required as a result.
- 2.2 A change to the membership of the Planning and Highways Committee (East) is outstanding following the Council meeting on 15th September. The need for the change had arisen following the dissolution of the United Kingdom Independence Party (UKIP) Group on the Council and details are set out as follows:-
- **Planning and Highways Committee (East)** – the seat held by the former UKIP Group is allocated to the Liberal Democrats Group.
- 2.3 A request has also been received to replace Councillor Rowntree with Councillor Scott on the following Committee:-
- Education (Appointment of Governors) Panel

3.0 Additions and Changes to Outside Bodies

Local Government Association Coastal Special Interest Group

- 3.1 The Council was recently invited to nominate an elected member representative and an officer representative to the Local Government Association Coastal Special Interest Group which is open to all members of the LGA. The officer representative was appointed at the September Council meeting. It is now requested that a Member representative be appointed.
- 3.2 The LGA Coastal SIG exists to champion and represent the collective interests of the coastal communities by increasing awareness and debate on environmental, economic and social issues at all levels in relation to the coast. It works in partnership with other organisations with complementary aims and brings pressure on the Government to secure local government's full involvement at all levels of policy formulation concerning the coast.
- 3.3 The LGA Coastal SIG meets 4 times per year. All nominated Member and officer representatives are invited to attend. These meetings are attended by representatives from relevant government departments (e.g. Defra, MHCLG) and provide a direct line to government. The SIG also attracts a varied programme of external speakers, including an Executive Director of the Environment Agency and the Chief Officer of the Association of Inshore Fisheries and Conservation Authorities.
- 3.4 Council is therefore requested to appoint an elected member representative.

Hetton Town Trust

- 3.5 A request has been received to replace Councillor Rowntree with Councillor Scott on Hetton Town Trust.

4.0 Positions as Trustees on the Samuel Dobson and Victoria House Trusts

- 4.1 A vacancy for a Councillor representative exists on both the Samuel Dobson Trust and the Victoria House Trust previously held by former Councillor Turner.
- 4.2 A request has also been received to replace Councillor Rowntree with Councillor Scott on the Samuel Dobson Trust.

5.0 Recommendations

The Council is accordingly invited to:-

- (i) appoint a Liberal Democrat Group Member to the seat on the Planning and Highways Committee (East) held by the former UKIP Group;
- (ii) approve the appointment of Councillor Scott to the Education (Appointment of Governors) Panel in place of Councillor Rowntree;
- (iii) appoint an elected member representative to the Local Government Association Coastal Special Interest Group;
- (iv) approve the appointment of Councillor Scott to Hetton Town Trust in place of Councillor Rowntree;
- (v) appoint an elected member representative to the Samuel Dobson Trust and approve the appointment of Councillor Scott to the Trust in place of Councillor Rowntree; and
- (vi) appoint an elected member representative to the Victoria House Trust.

Motions on Notice

MOTIONS ON NOTICE

Council Members are asked to consider the under-mentioned Motions:-

1. Addressing Government Failure to Reduce Inequality

This Council notes that since 2010 successive Conservative led governments have

- failed to address inequalities in society, noting that levels of deprivation and poverty have significantly increased since the introduction of the 2010 equality act.
- continually refused to enact section 1 of the Equality Act that would place a legal duty on governments to address these inequalities and reverse this rise in poverty and deprivation.

This Council now requires to further provide leadership in supporting struggling families in this City and therefore resolves, with immediate effect:

- to voluntarily adopt the socio-economic duty that Conservative Led Governments refuse to enact, ensuring that when making decisions of a strategic nature it will act in a way that is designed to reduce the inequalities of outcome which result from disadvantage.

That in adopting this duty the council will:

- incorporate poverty and socio-economic disadvantages, into equality impact assessments, equality plans, and the wider decision-making process and all strategic planning.
- use a range of quantitative and qualitative data to inform the implementation of this duty and develop clear success criteria to measure the impact in reducing levels of inequality.
- recognise the value of engaging with struggling families directly impacted by these inequalities, working together to find new and sustainable ways to support them and reduce poverty.
- in addition, work with stakeholders and voluntary/community sector organisations, to build awareness and understanding of this new duty adopted by this Council.
- Receive reports on progress on a six-monthly basis.

Councillor G. Miller (Proposer)
Councillor C. Rowntree (Seconder)

Signed by:-

Councillor P. Stewart
Councillor L. Williams
Councillor J. Heron
Councillor P. Smith
Councillor J. Price
Councillor K. Johnston
Councillor S. Laws

Councillor J. Warne
Councillor P. Tye
Councillor F. Miller
Councillor I. Scott
Councillor L. Farthing
Councillor D.E. Snowdon

2. Automated External Defibrillators

Council notes that on average 30,000 people each year suffer a sudden cardiac arrest outside of hospital, and 20% of these incidents occur in public spaces. Council further notes only 10% of victims of cardiac arrests survive when the incident occurs outside hospital.

Automated External Defibrillators (AEDs) can play a significant role in saving the lives of people who suffer heart attacks in public. It is estimated that a shock from an AED, alongside CPR treatment, increases survival rates to 75-80%.

Council notes that, though there are public defibrillators in various places across the city including some council premises and assets, there are gaps in the provision of publicly accessible AEDs and at present there is no holistic mapping system listing all AEDs across Sunderland, Washington, Houghton and Hetton.

Therefore Council agrees to:

- Compile and maintain a list, and an interactive map, of all public defibrillators in the Sunderland City Council area including those in non-council premises.
- Review and, where appropriate, increase the provision of defibrillators across all council-owned spaces including public parks, community centres, leisure facilities, and areas of high public footfall.
- Bring a report to Health and Wellbeing Scrutiny Committee no later than February 2022 detailing a plan to roll out more Automated External Defibrillators across the city, and to produce and maintain a fully interactive mapping system to locate all public defibrillators in the Sunderland City Council area.

Councillor M. Crosby (Proposer)
Councillor N. Hodson (Seconder)

Signed by:-

Councillor P. Edgeworth
Councillor A. Wood
Councillor H. Fagan

3. Events on Council Land

Council recognises the environmental damage and harm to both domestic and wild animals that can be done by balloons, paper lanterns and extremely loud fireworks.

In recent months, Gateshead Council and North Tyneside Council have taken action to limit the harms to the environment and to animals caused by these.

It is time for Sunderland City Council to take similar action.

Council therefore resolves to:

- Ban balloon and lantern releases on Council land
- Request a report to Cabinet on appropriate plots of Council land that can be transformed into a memorial meadow, where residents can plant seeds/flowers in memory of loved ones, and ask that Portfolio Holder to establish at least one memorial meadow in the city
- Enforce the use of low noise fireworks for all events on Council land, by default, except in exceptional circumstances, when the Portfolio Holder should be required to sign off on the decision to use fireworks that are not low noise.

Councillor P. Mann (Proposer)
Councillor A. Mullen (Seconder)

Signed by:-

Councillor P. Donaghy
Councillor G. Peacock
Councillor J. Doyle
Councillor L. Reed
Councillor M. Dixon

4. Establishment of Shadow Young People's Consultation Board (SYPCB)

Council resolves to establish a Shadow Young People's Consultation Board, through which the Council and its leadership will consult with young people on important issues to them and on key areas of the Council's operations, such as budget setting.

This Board will also invite partners such as TfC, CCG, Nexus and others to consult with young people on what they are doing in their area of service provision to enable young people to share what they think they can be improved upon and what changes or developments they wish to see.

This Board will consist of young people, councillors and leadership of all political parties on the Council, working together to improve young people's representation in the city.

Councillor Joshua McKeith (Proposer)
Councillor Sam Johnston (Seconder)

Signed by:-

Councillor C. Burnicle
Councillor M. Hartnack
Councillor R. Dunn
Councillor P. Wood